

Court No. - 6

Case :- WRIT - C No. - 37128 of 2023

Petitioner :- Ram Chandra

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ram Badan Maurya

Counsel for Respondent :- C.S.C.,Avinash Chandra Srivastava

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondent and learned counsel for respondent no. 5.

The present writ petition has been filed with a prayer to direct the respondent authority to conduct an inquiry and clearly fixing and measuring the area of Gaon Sabha land on which the fair price shop has been proposed and further direct to stop construction of proposed fair price shop of village Ekri, Tehsil Mainpuri, District Mainpuri during the pendency of the case of correction of map filed by petitioner.

Learned counsel for the petitioner submits that the petitioner is a recorded tenure holder of Plot No. 606, area 0.294 Hectare which is situated in Village Ekri, Tehsil Mainpuri, District Mainpuri. The Gram Pradhan of the village under the garb of construction of fair price shop as proposed on plot no. 609 Kha is carrying out the construction over the land which belongs to the petitioner. The petitioner has also moved an application before the concerned authorities for correction of map and demarcation of land, which is pending. The District Magistrate has given a direction to enquire into the matter and look into the grievance wherein construction is being carried out over the plot belonging to the petitioner.

The counsel for the respondent no. 5 submits that no such construction is being carried out however could not show anything from the record that any enquiry is being conducted and also could not dispute the fact of correction application of map being moved by the petitioner before the concerned authorities.

In view of the above, with the consent of parties this writ petition is being finally disposed off with a direction to respondent no. 4 to take decision on the correction of map application filed by the petitioner in accordance with law, within a period of one month

from the date of production of certified copy of this order, if there is no other legal impediment. The concerned authorities are also directed to conduct an enquiry as directed by the District Magistrate. Till the final orders passed by Tehsildar on the correction of the map application, the respondents are restrained from carrying out the construction over the disputed plot in question.

Order Date :- 30.10.2023

Arti