

Court No. - 40

Case :- WRIT - C No. - 37952 of 2023

Petitioner :- Karan Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Virendra Singh, Rakesh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Virendra Singh, learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State respondent nos.1 to 3.

2. Notice need not be issued to the private respondent no.4 in view of the order proposed to be passed.

3. Present writ petition is preferred seeking following reliefs:-

"i) Issue a writ of mandamus directing the District Magistrate, Lalitpur to protect the public property plot no.2075 and remove illegal encroachment on it and provide access to general public to well for taking drinking water which has been illegally surrounded by boundary wall by respondent no.4 and direct the Prescribed Authority, Lalitpur Regulated Area to take action on illegal construction raised without sanction of map and NOC from Fire Department by respondent no.4 near Varni Crossing.

ii) Issue a writ of mandamus directing the respondent authorities to decide the representation of the petitioner within any stipulated period as this Hon'ble Court may deem fit and proper in circumstances of the case."

4. Learned counsel for the petitioner submits that "Digambar Jain Panchayat Samiti, Lalitpur" (respondent no.4) has raised illegal construction of six-storied building over plot no.2072, 2074 without sanction of map by the Prescribed Authority and also illegally encroached the public utility land (pathway). So far as the grievance of the petitioner is concerned, he has already filed a representation dated 05.11.2022 before the District Magistrate, Lalitpur (respondent no.2) for redressal of his grievance, which is still pending. He has confined his prayer only to the relief that his representation dated 05.11.2022 may be considered by the appropriate authority.

5. Learned counsel for the respondents has no objection to the said prayer.

6. No useful purpose would be served in keeping the writ petition pending.

7. In view of above, without expressing any opinion on the merits of the issue and considering the facts and circumstances of the case, this writ petition is disposed of finally giving liberty to the petitioner to move a fresh representation before the Prescribed Authority/Sub Divisional Magistrate, Regulated Area, Lalitpur (respondent no.3) within two weeks from today. In case any such representation is moved within the said period, the same shall be considered and decided by the competent authority in accordance with law within next four weeks.

Order Date :- 1.12.2023

RKP