

Court No. - 51

Case :- WRIT - C No. - 37666 of 2023

Petitioner :- Harnandan Prasad

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

Counsel for Petitioner :- Lalit Prakash,Lavlesh Kumar
Sharma

Counsel for Respondent :- C.S.C.,Sher Bahadur Singh

Hon'ble Chandra Kumar Rai,J.

1. Heard Counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Sher Bahadur Singh, Counsel for respondent no. 4, Gram Sabha.

2. The instant petition has been filed under Article 226 of the Constitution of India for mandamus directing the parties not to construct the water tank over the plot reserved as manure pit in the revenue records.

3. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that writ petition under Article 226 of the Constitution of India at the instance of the petitioner cannot be entertained. He submitted that land in dispute is recorded as manure pit, as such, petitioner cannot challenge the act of the State authorities with respect to construction of water tank which is recorded as Gaon Sabha/ State land.

4. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

5. There is no dispute about the fact that plot in dispute is recorded as manure pit in the revenue record.

6. In view of the entry of the plot in dispute, the writ petition filed by petitioner under Article 226 of the Constitution of India restraining the State/ Gaon Sabha to construct water tank cannot be entertained.

7. Writ petition is **dismissed** with liberty for initiation of proper proceeding by proper party in accordance with law.

Order Date :- 1.11.2023

Vandana Y.