

Court No. - 40

Case :- WRIT - C No. - 37885 of 2023

Petitioner :- Vasdev

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Ajai Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ajai Kumar Srivastava, learned counsel for the petitioner and Shri Devesh Vikram, learned Addl. Chief Standing Counsel for State respondents.

2. Present writ petition has been preferred for following reliefs:-

"(I) Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to make inquiry in respect of property given under the registered will deeds executed by Late Nek Ram dated 10.06.1965 in favour of Shiksha Samiti Sarvajanik Junior High School, Iradatnagar, Pargana-Kheragarh, District Agra and dated 10.01.1966 in favour of Junior High School, Iradatnagar, Pargana-Kheragarh, District Agra (Filed as Annexure No.1 & 2 to the writ petition respectively).

(II) Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities mainly the District Magistrate, Agra to consider the grievance of the petitioner as mentioned in his representation dated 4.9.2023 filed as Annexure No.11 to the writ petition."

3. Learned counsel for the petitioner states that maternal grand father (Nana) of the petitioner namely Shri Nek Ram had executed registered will deeds of his agricultural property in the year 1965 in favour of Shiksha Samiti Sarvjanik Junior High School, Iradatnagar, Pargana-Kheragrah, District Agra and in the year 1966 in favour of Sarvjanik Junior High School, Iradatnagar, Pargana Kheragrah, Distt. Agra. Apart from aforesaid property, Shri Nek Ram had also given his house along with deity place to the aforesaid school on rent basis as mentioned in the aforesaid will deeds. The property in question was also duly recorded in the khatauni in favour of school.

4. Learned counsel for the petitioner submits that the petitioner is not inclined to get any share or rights over the property in question executed by his maternal grand father in favour of the school in question but at the same time he has right to ensure that the management of the school or other stake holders may not alienate or create third party interest over the property in question. In this regard he has moved detailed representation dated 4.9.2023 to the

District Magistrate, Agra but no action has been taken.

5. Learned counsel for the petitioner submits that at this stage he is not pressing the first relief. However, the District Magistrate, Agra may be directed to ensure that the property be utilised only for the purposes for which it was donated and nobody can usurp the said property.

6. Considering the facts and circumstances of the case, without expressing any opinion on merits of the issue, the writ petition stands **disposed of** asking the District Magistrate concerned to look into, examine and redress the grievance of the petitioner strictly in accordance with law expeditiously but certainly after giving opportunity to all the stake holders in the matter including respondent no.8.

Order Date :- 5.12.2023

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