

Court No. - 40

Case :- WRIT - C No. - 39271 of 2023

Petitioner :- Smt. Raj Kumari

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Pooja Singh, Rajesh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Mr. Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents and perused the record.

2. By means of the instant petition, petitioner has prayed for following principal relief:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to protect the life and liberty as well as property of the petitioner bearing area 0.182 hectare from Arazi No.22-Gha/0.649 hectare situated at Village-Sultanpur, Pargana-Rari, Tehsil-Sadar, District-Jaunpur from the respondent Nos.6 to 9."

3. Learned counsel for the petitioner submits that petitioner had purchased property in question in the year 2006. As her husband is working in Mumbai and respondent nos.6 to 9, who are Bhu-Mafia, are having evil eye over the property in question, they are creating interference in the peaceful possession of the petitioners holding. Aggrieved with the said interference, she made detailed representation to the District Magistrate, Chitrakoot, who has directed the Tehsildar and Revenue Inspector to submit their report in the matter. It is also claimed that the District Revenue Officials have already submitted report on 04.09.2021, which is also brought on record as Annexure no.3 to the writ petition. In this backdrop, learned counsel for the petitioner states that direction may be issued to the respondents to decide the representation of the petitioner in the light of Government Order dated 1.5.2017, which pertains to Bhu-Mafia.

4. Per contra, Shri Ambrish Shukla, learned Additional Chief Standing Counsel has vehemently opposed the writ petition on the ground that entire claim has been set up against the private respondents and appropriate remedy is to file civil suit but in case the District Magistrate has already taken cognizance and directed

the revenue officials to submit a report, definitely the Authority would take a final decision in accordance with law.

5. Be that as it may, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition stands ***disposed of*** asking the petitioner to move a fresh representation ventilating her grievance before the respondent No.3, Sub-Divisional Magistrate, Tehsil-Sadar, District-Jaunpur. In case any such representation is moved by the petitioner within two weeks, we hope and trust that the said representation would be considered on merit by the Competent Authority, who must accord audience to the parties having stake in the matter and only thereafter decide the said representation expeditiously, preferably within six weeks but certainly after considering the report dated 04.09.2021 submitted by the revenue officials as well as keeping in mind the Government Order dated 1.5.2017. Suffice to indicate that the Court has not adverted on the merits of the case.

Order Date :- 16.11.2023

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