

Court No. - 40

Case :- WRIT - C No. - 38386 of 2023

Petitioner :- Sunil Kumar Gupta

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

Counsel for Petitioner :- Rajan Upadhyay, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Civil Misc. Impleadment Application filed today is taken on record.
2. Heard Sri Rajan Upadhyay, learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondent.
3. Civil Misc. Impleadment Application allowed. The same be carried out forthwith.
4. In view of the order proposed to be passed, notice need not to be issued to the newly impleaded respondent.
5. The present writ petition has been preferred for a mandamus directing the respondents to comply with the report of the Tehsildar, Akbarpur, Kanpur Dehat dated 03.10.2022. Alternatively, prayer is made to decide the representation of the petitioner dated 14.10.2022.
6. The petitioner claims to be owner of the house in question. As the same was in dilapidated condition, accordingly, the petitioner moved an application before the Executive Officer, Nagar Panchayat Akbarpur, District Kanpur Dehat along with requisite fee for survey so that demolition of the house in question may be carried out. It is claimed on the said application, the survey report was prepared, wherein, categorical report had been submitted that the house in question is in critical shape. In case, the demolition is not carried out, the same may fall and some casualty may take place. In this backdrop, learned counsel for the petitioner has confined his prayer that the application of the petitioner is to be processed expeditiously in accordance with law.
7. While entertaining the writ petition on 22.11.2023, the coordinate Bench has asked learned Standing Counsel to seek instructions.
8. In response to the aforesaid order, learned ACSC has placed

the instructions dated 4.11.2023 and reiterates the survey report. He further submits that there was a lis between the petitioner (landlord) and one Madan Lal (tenant) in Original Suit No. 587 of 2007, which is already decreed in favour of the petitioner vide judgment and order dated 11.5.2009. It has also been informed that he said order is not under challenge in appeal till date, as such, for all practical purposes, the same has attained finality. In absence of any challenge to the said order, the application of the petitioner is to be processed strictly in accordance with law.

9. Considering the facts and circumstances of the case, without advertent on the merit of the issue and on consent, we dispose of the writ petition asking the competent authority i.e. Executive Officer, Nagar Panchayat Akbarpur, District Kanpur Dehat to decide the application of the petitioner expeditiously and preferably within a period of four weeks from the date of production of a certified copy of this order but certainly after affording opportunity to all stake holders in the matter.

Order Date :- 5.12.2023

A.K.Srivastava