

Court No. - 47

Case :- WRIT - C No. - 38630 of 2023

Petitioner :- Ashok Kumar Chauhan

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

Counsel for Petitioner :- Vaishno Poojan Yadav, Durga Charan Singh Yadav

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Arun Kumar Singh Deshwal, J.

Instruction filed by learned Standing Counsel, is taken on record.

Heard Sri Durga Charan Singh Yadav, learned counsel for the petitioner, Sri Himanshu Shukla, advocate holding brief of Sri Bupendra Kumar Tripathi, learned counsel for Gaon Sabha and Sri Surendra Bahadur Singh, learned Standing Counsel for the State.

"I. Issue a Writ, order or directing in the nature of mandamus directing the respondent No.2 and 3 to protect the interest of petitioner of the Aabadi land and not making Chakroad/Kharanja over the said Aabadi Land.

II. Issue any suitable Writ, order or direction in the nature of mandamus directing to the respondent No.2 and 3 to not disturbed the Aabadi and house of petitioner which was obtained through proper Patta in year 2005."

Contention of learned counsel for the petitioner is that he was allotted *abadi patta* over plot No. 41 area 0.013 hectare over which the petitioner after constructing the house has been residing and now the respondents No. 2 & 3 are making *Kharanja* over the part of the aforesaid *abadi* land of the petitioner.

This Court by order dated 8.11.2023, directed learned Standing Counsel to seek instructions. In pursuance of the aforesaid order, learned Standing Counsel has produced instructions, received from the S.D.M., Zakhaniya, Ghazipur dated 27.11.2023.

In the aforesaid instruction, it is clearly mentioned that the petitioner is residing over his *patta* land in *Arazi* No. 41 area 0.013 hectare and there is no proposal for construction of any *kharanja* or *chak* road over the allotted plot of the petitioner.

In view of the above position, no direction is required, therefore, the petition is **consigned to record**.

Order Date :- 28.11.2023

Vandana