

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2674 of 2023

Petitioner :- Mohammad Maqsood Ansari

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

Counsel for Petitioner :- Siddharth Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Supplementary affidavit filed today is taken on record.
2. The present petition, filed purportedly in public interest, seeks a direction to the State respondents to protect land bearing Arazi No. 1098/1, 1098/2, 1099, 1100, 1101, 1102, 1103, 1104/6, 1109, 396, 1094, 1105/3, 1105, 1095/1, 1095/2, 1096, 1097, 1098, 1106/1, 1106/2 and 1107, Village Chak Kasimpur @ Phoolpur (Mohalla Colonelganj), Andar Town Area, Sikandara, Tehsil Phoolpur, District Prayagraj, reserved for Madarsa and Madarsa Training School from the encroachers and decide the representations of the petitioner dated 4.10.2023 and 5.10.2023.
3. The petitioner claims himself to be Secretary of a Society - Kabristan Suraksha Committee. However, he has not filed any evidence relating to its registration. Only a bald assertion has been made that the Society is registered. The case set up in the petitioner is that the aforesaid land is reserved for Madarsa and Madarsa Training School in the revenue records, but certain persons have encroached over the said land
4. In para 10, it is stated as follows: -

"That, as stated above that the aforesaid land are reserved for the Madarsa and Madarsa Training School but till today no any Madarsa Training School is open over the aforesaid land and the said land as per the record is vacant, but actually there are already several houses have been constructed illegally by playing fraud by the Bhumafias."

5. Evidently, as per own case of the petitioner, there are pukka houses in existence over subject land. None of the persons who have constructed their houses have been impleaded. Moreover, bearing in mind the nature of controversy, we are not inclined to examine the same in the present proceedings. The petition is therefore dismissed.

6. We clarify that the dismissal of the instant petition would not mean that we have upheld the right of persons in possession over subject land. In case any issue arises in future in respect of the legality of the constructions over the subject land, it would be decided by the court/authority concerned without being influenced by any observation made in the instant order.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 5.12.2023

Jaideep/-