

Court No. - 21

Case :- WRIT - C No. - 41150 of 2023

Petitioner :- Helal Alam And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Yadvendra Kumar Yadav, Poonam Yadav, Raj Karan Yadav

Counsel for Respondent :- C.S.C., Praveen Kumar Giri

Hon'ble Manoj Kumar Gupta, Acting Chief Justice
Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus directing the respondents not to cause any interference in possession of the petitioners in respect of the land recorded in their name in the revenue record. The case of the petitioners is that they had purchased the same from Ashok Kumar Verma, the previous owner by registered sale deed dated 12.05.1965. Ceiling proceeding in respect of the said land has culminated in favour of the petitioners. The respondents are wrongly alleging it to be pond and are trying to interfere in their possession.

2. Learned counsel appearing on behalf of respondent nos.4 and 5 is in receipt of instructions, according to which, land in dispute is in shape of a pond. It is also stated that Nagar Nigam is not interfering in possession of any person. It has only put identification stumps at different places to demarcate the pond from private land.

3. Considering the stand taken by respondent nos.4 and 5, we **dispose of** the instant petition by providing that the respondents would not dispossess the petitioners from the said land unless proper demarcation is carried out and their eviction is ordered in duly instituted proceedings permissible under law.

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

Order Date :- 8.12.2023

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