

Court No. - 32

Case :- WRIT - C No. - 40719 of 2023

Petitioner :- Sunil Upadhyay

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

Counsel for Petitioner :- Arvind Sen Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai,J.

Hon'ble Surendra Singh-I,J.

Heard the counsel for the petitioner.

The present petition has been filed praying for a mandamus commanding the District Magistrate, District Deoria to decide the representation dated 25.07.2022 filed by the petitioner.

The representation has been made with the prayer that the petitioner was voluntarily giving up his claim over his house constructed over the Gaon Sabha plot recorded as *Naveen Parti* and a prayer has been made in the representation that the houses of other persons constructed on Gaon Sabha plot along with the house of the petitioner be demolished.

It is a strange petition and no purpose would be served to keep the petition pending.

The petition is disposed of with a direction to the District Magistrate, Deoria that as the petitioner admits that his house is constructed over the Gaon Sabha plot, appropriate action be taken under Section 67 of the Uttar Pradesh Revenue Code, 2006 for eviction of the petitioner from Gaon Sabha plot and for recovery of damages. So far as other persons allegedly having constructed their houses on the Gaon Sabha plot are concerned, it is directed that the petitioner may submit a representation before the Assistant Collector giving the details of such persons and the Assistant Collector on receipt of such representation shall proceed in accordance with Section 67 of the Uttar Pradesh Revenue Code, 2006 read with Rule 67 of the Uttar Pradesh Revenue Code Rules, 2016.

With the aforesaid directions, the petition is ***disposed of***.

A copy of this order shall be sent to the District Magistrate, Deoria by the Registrar (Compliance) for necessary compliance within 72 hours.

Order Date :- 16.12.2023/Vipasha