

Court No. - 40

Case :- WRIT - C No. - 41288 of 2023

Petitioner :- Jagdish Arora

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Rajneesh Kumar Srivastava, Satyendra Kumar Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Surendra Singh-I, J.

1. Heard learned counsel for the petitioner and Sri Rajmohan Upadhyay, learned Additional Chief Standing Counsel for the State-respondents.
2. In view of the order we propose to pass, no notice is required to be issued to the respondent Nos.6 to 10.

2. This writ petition is preferred for following principal relief:

"I. Issue a writ, order or direction in the nature of mandamus commanding the Respondent No.3 to remove the illegal encroachment and also handover the possession of the Arazi No.571, 572 situated at Indira Nagar, District Kanpur Nagar within stipulated period fixed by this Hon'ble Court."

3. Learned counsel for the petitioner submits that the petitioner is tenure holder of Arazi No.571, 572 admeasuring 267 square meter situated at Bairi Akbarpur Bangar, District Kanpur Nagar. The private respondents arrayed as respondent Nos.6 to 9 are trying to interfere in peaceful possession of the petitioner. The petitioner has complained to the Assistant Police Commissioner, Kanpur Nagar on 13.05.2023. The said application has been entertained and direction was issued to the concerned Tehsildar Sadar, Kanpur Nagar to consider the grievance of the parties. Learned counsel for the petitioner in support of his submission, has placed reliance upon the order dated 24.07.2023 passed by the Tehsildar Sadar, Kanpur Nagar whereby he had constituted a 6 member revenue team to hold fact finding inquiry. He further states that thereafter, the report had also been submitted by the 6 member revenue team but till date, in spite of categorical finding, the grievance of the petitioner has not been redressed. He confined his prayer that a direction may be issued to the respondent No.3 - Sub Divisional Magistrate, Kanpur Nagar to redress the grievance of the petitioner.

4. Sri Rajmohan Upadhyay, learned Additional Chief Standing Counsel for the State-respondents has no objection in case the matter is relegated to the concerned Sub Divisional Magistrate, Kanpur Nagar to consider the grievance of the petitioner.

5. Considering the facts and circumstances of the case, we are not inclined to keep the writ petition pending consideration. Accordingly, with the consent of the learned counsel for the parties and without entering into merit of the case of the petitioner, **the writ petition is disposed of** with an observation that in case

petitioner moves a fresh representation in the light of the fact finding report submitted by the revenue officials within ten days from today, we hope and trust that the complaint of the petitioner would be considered in accordance with law expeditiously preferably within six weeks from the date of production of a certified copy of this order, but certainly after giving audience to all the stakeholders, specially respondent Nos.6 to 10.

Order Date :- 7.12.2023

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