

Court No. - 9

Case :- WRIT - C No. - 5113 of 2023

Petitioner :- Ram Kewal Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Ashutosh Dhar Dubey

Counsel for Respondent :- C.S.C., Mohan Singh, Rishabh Kapoor

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel, representing the respondent nos. 1 and 2-State Authorities, as well as Mr. Mohan Singh, learned counsel representing the respondent no. 4-Gram Sabha.

2. By way of this petition under Article 226 of the Constitution of India the petitioner has sought the following reliefs:-

"[I] Issue a writ order or direction in the nature of Mandamus commanding the opposite party no. 2 to decide the representation of the petitioner dated 8.6.2023 expeditiously by a speaking and reasoned order as contained in ANNEXURE NO. 1 to this writ petition.

[II] Issue a writ order or direction in the nature of Mandamus commanding the opposite party no. 2 to restrain the opp. parties NO. 3 and 4 from making construction of Panki Ki Tanki on the land of petitioner i.e. Gata No.188 [Old Gata No. 128] situate at Village Palpur Pargana Khandasa, Tehsil Milkpur, District Ayodhya under Jal Jiwan Mission and construct the Pani Ki Tanki on the land of Gata No.1308 as selected.

[III] Issue any other writ.....

[IV] Allow this....."

3. The land in question where tank for drinking water for villagers is being constructed is a *Banjar Land*. The petitioner has no right, title or interest over the land in question where the water-tank is being constructed.

4. Learned counsel for the petitioner submits that the petitioner was given the land in question on lease, however, there is no record of such lease having been executed in favour of the petitioner. The petitioner cannot claim possession over the Gaon-Sabha land as per revenue record. The land, in question, is recorded as a *Banjar Land*. We find no ground to interfere in the present petition or to grant any relief, as sought by the petitioner.

5. Thus, this petition, being devoid of merit and substance, is hereby **dismissed at this stage.**

[S.Q.H. RIZVI, J.] [D.K. SINGH, J.]

Order Date :- 22.6.2023 MVS/-