

Court No. - 9

Case :- WRIT - C No. - 5117 of 2023

Petitioner :- Rambali And Another

Respondent :- District Magistrate , Pratapgarh And Others

Counsel for Petitioner :- Brijesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Mr. Brijesh Kumar Yadav, learned counsel for the petitioners as well as Mr. R.P. Maurya, learned Standing Counsel, representing the respondents-State Authorities.

2. The prayer, sought by way of this petition under Article 226 of the Constitution of India, reads as under:-

"A. Issue a writ order or direction in the nature of Mandamus commanding to the respondent no. 1 & 3 for inquiry and for compensation of damages from opposite parties and repossession over the abadi land of petitioner as well as also registration for F.I.R. against the arbitrary, illegal work and conduct and demolish the house and other possession of petitioner as like anti social person without any order or direction by any court or higher authority as well as without any notice for demolition by the Tahsildar lalganj and Knoon Go and area Lekhpal as and chauki Prabhari Guisannath O.P. No.4 to 7 contained annexure no. 2 & 3 with this petition.

3. The petitioners allegedly had constructed their house over a public utility land; proceedings under Section 122-B of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (for short "Act, 1950") were undertaken against the petitioners, and the petitioners suffered an order dated 20.04.2023 by which they were directed to be evicted from the land on which they had constructed the house and damages of Rs.30,000/- plus cost of expenses of Rs.1,000/-were imposed upon the petitioners. The said order has been executed.

4. Learned counsel for the petitioners submits that the petitioners have filed a revision before the District Magistrate concerned; during the pendency of the revision, without following any due process of law, the residence/house of the petitioners have been demolished.

5. Learned Standing Counsel, representing the respondents-State Authorities, submits that that the petitioners had constructed their house over the Gaon-Sabha land, which is a thoroughfare. In the proceedings, under Section 122-B of the Act, 1950, the petitioners

participated and the Tehsildar/Assistant Collector, Tehsil Lalaganj, Pratapgarh passed the order date 20.04.2023.

6. There is no interim order, protecting the petitioners' possession over the land in question in the revision filed by the petitioners and, therefore, they have been evicted. Thus, we find no ground to grant any relief, as prayed in the petition, or any other relief to the petitioners. The competent Authority found the petitioners to be in illegal possession over the Gaon-Sabha Land and, therefore, the petitioners have been evicted. Mere pendency of the revision does not entitle the petitioners to remain in illegal possession, and not to get the order dated 22.04.2023 executed. However, if the petitioners succeed in the revision, consequence would follow.

7. DISPOSED OF.

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

Order Date :- 22.6.2023

MVS/-