

Court No. - 2

Case :- WRIT - C No. - 5192 of 2023

Petitioner :- Gauri Shankar

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

Counsel for Petitioner :- Ram Prasad Dwivedi, Garima Singh

Counsel for Respondent :- C.S.C., Pankaj Gupta, Rishabh
Kapoor

Hon'ble Rajan Roy, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. The petitioner's grievance is that his abadi land is being encroached upon and interfered for construction of a water tank. The submission is that in respect of the same land wherein the petitioner has built a house and proceedings were initiated under Section 122C of U.P.Z.A.&L.R. Act, 1952 read with Rule 115C of the Rules, 1952 but considering the possession of the petitioner, the said proceedings were dropped on 31.12.1999, therefore, the rights of the petitioner in respect of the same land are accepted to the opposite parties. In spite of it, they are undertaking construction of a water tank on the petitioner's land.

2. Learned counsel for gaon sabh says that the Gata No.126 is a abadi land and it is huge land whereas the petitioner claims possession in respect of only a minuscule portion of laand.

3. Be that as it may, if the petitioner is in possession and has certain rights and respect of the land or house as the case may be existing thereon, then the opposite parties are under an obligation to look into the matter, verify the facts and do the needful so that the rights, if any, of the petitioner are not adversely affected. This, of course, is only if the petitioner has

right in the first place.

4. Let the Sub-Divisional Magistrate, Ikauna, District - Shravasti get the facts verified with the cooperation of the gaon sabha and other revenue authorities and ascertain the facts as also the rights of the petitioner in respect of the land in question. Based on the said exercise, he shall guide the gaon sabha and further action regarding construction of water tank shall take place accordingly. Let the said exercise be completed within six weeks.

5. The writ petition is **disposed of**.

Order Date :- 23.6.2023

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