

Court No. - 2

Case :- WRIT - C No. - 5188 of 2023

Petitioner :- Smt. Anita Singh And Others

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

Counsel for Petitioner :- Manju Nagaur

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

Hon'ble Rajan Roy,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. The petitioner alleges that encroachment on her bhumindhari land bearing Gata No.1118ga situated at Village - Bansgaon Uttari, Pargana - Dariyabad, Tehsil - Ram Sanehighat, District - Barabanki by the gaon sabha and its agents for constructions of a water tank. However Shri Mohan Singh, learned counsel for the gaon sabha says that gaon sabha has sent a proposal for construction of water tank on Gata No.1118gha and not 1118ga. The counsel for the petitioner nevertheless asserts that, in fact, the exercise is being undertaken on her bhumidhari land.

2. Let the Sub-Divisional Magistrate, Ram Sanehighat, District - Barabanki get an on the spot inspection conducted to ascertain as to whether the water tank is proposed to be constructed or is being constructed on Gata No.1118ga or Gata No.1118gha. If in this process, demarcation of the said Gata is required to be undertaken then the same shall be undertaken in terms of principle and procedure contained in Section 24 of the U.P. Revenue Code, 2006 read with the corresponding Rules of 2016. Based on the aforesaid exercise further action shall be taken by the gaon sabha and others meaning thereby, if it is found that, in fact, the water tank is proposed to be constructed or is being constructed on the bhumidhari land of the petitioner, then it will have to be removed and shifted to some other

appropriate land. However, if it is found that it is proposed to be constructed or is being constructed on gaon sabha land, then the matter shall rest as it is and the bhumidhari land of the petitioner shall not be interfered in any manner, except in accordance with law.

3. Learned counsel for gaon sabha says that, in fact, Gata No.1118ga and 1118gha etc. though have been theoretically partitioned, actual partitioned by metes and bounds has not taken place, therefore an exercise would be required for partition of the jumala Gata No.1118 under Section 30(2) of the U.P. Revenue Code, 2006. If it so then the needful shall be done accordingly. Let the said exercise be completed within six weeks.

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

Order Date :- 23.6.2023

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