

Court No. - 3

Case :- WRIT - C No. - 6973 of 2021

Petitioner :- Brindresh Vishawkarma

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Lko.And Ors.

Counsel for Petitioner :- Umesh Chandra Chaturvedi

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

The dispute is with regard to the land which has been occupied while laying down a canal by the respondents from Gata No. 833 Cha belonging to the petitioner.

Learned counsel for the petitioner states that his entire area of 915 square meter is taken over by the respondents while learned Standing Counsel states that only 350 square meter is occupied by the respondents.

This is a factual dispute between the parties and can appropriately be adjudicated in the proceedings under Section 24 of U.P. Revenue Code, 2006 by the S.D.M. concerned.

In view thereof, petitioner is permitted to move an application before respondent no.4 S.D.M., Shorathgarh, District Siddarthnagar. Respondent no. 5 Executive Engineer, Rapti Nahar, Construction Division Ist, Tulsipur, District Balrampur shall also depute an authorize person to represent in the said proceedings.

The respondent no. 4 shall get the land measured as per Section 24 of Code, 2006 of Gata No. 833 Cha belonging to the petitioner. The said proceedings shall be culminated positively within a period of two months on the basis of proper survey report.

Any possession shall be subject to final order passed by the respondent no. 4 and would be paid expeditiously in accordance with law.

Writ petition is disposed of.

(Manish Kumar,J) (Vivek Chaudhary,J)

Order Date :- 23.11.2023/Ashish