

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7242 of 2023

Petitioner :- Jubeda

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

Counsel for Petitioner :- Tribhuvan Narai Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

In pursuance of order passed by this Court on 22.09.2023, instructions have been sent by the Superintendent of Police, Kheri Shri Ganesh Prasad Shaha, which are kept on record.

In the instructions, he has stated that the petitioner Jubeda and her husband had encroached upon the Gaon Sabha land in Village - Khamariya Pandit, Tehsil - Dhaurahra, District Lakhimpur Kheri and to encroach upon further Gaon Sabha land, they have tried to construct a toilet. One Surendra Kumar Singhu had objected to the same. The petitioner and her husband started fighting. Then Surendra Kumar Singhu had called 112 UP Police Help Line through Mobile No.9026847046, the police went to the spot in question and found that the dispute was relating to encroachment upon Gaon Sabha land. The police informed the area Lekhpal, who after inspection found that the petitioner was encroaching upon the Gaon Sabha land and the Lekhpal initiated proceeding under Section 67 of the U.P. Revenue Code. Case No.3624/2022, computerized No.7T202210430203624 is pending in the revenue court. The police has stopped the petitioner from raising the construction during the pendency of the said suit on the direction of the area Lekhpal who has found prima facie that the land is recorded in the name of the Gaon Sabha as Purani Parti.

The petitioner had applied for Patta of the said land but the Land Management Committee had not given Patta of the land to the petitioner or her husband. It has also been stated in the said instructions that the petitioner is not the original resident of the Village Khamariya Pandit. She is resident of Village Samardahri. The allegation that opposite party No.4 along with four other police personnel entered into the house of the petitioner and threatened her and harassed her is completely and

vehemently denied.

Such a report has been submitted by the Superintendent of Police, Lakhimpur Kheri after due inquiry and this Court has no reason to disbelieve a high ranking official such as Superintendent of Police.

Accordingly, the writ petition is **dismissed** with a cost of Rs.10,000/- (Rupees Ten Thousand only) for misrepresenting the material facts and misleading this Court.

Such cost shall be deposited by the petitioner within one month from today in the Registry of this Court. In case of non deposit of cost amount, the Senior Registrar of this Court shall issue a Recovery Certificate to the District Magistrate, Lakhimpur Kheri, who shall recover the amount from the movable/immovable property of the petitioner as arrears of land revenue and deposit the same in this Court within three months thereafter.

Order Date :- 11.10.2023

ML/-