

Court No. - 8

Case :- WRIT - C No. - 8643 of 2023

Petitioner :- Tulsi Ram

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lucknow And 3 Others

Counsel for Petitioner :- Ajay Veer Singh, Satyendra Nath Mishra

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

Hon'ble Pankaj Bhatia, J.

1. Present petition has been filed challenging the order dated 26.07.2021 passed by respondent no.3 whereby an order of eviction has been passed against the petitioner.

The petition also challenges the appellate order dated 11.07.2022 whereby the appeal preferred by the petitioner was dismissed mainly on the ground that the occupation of the petitioner over the land in question was without any authority of law and the land being vested with the Gaon Sabha as a public utility land.

2. In support of the submissions raised in the present petition, counsel for the petitioner argues that the petitioner has applied for mutual transfer of the land under Section 101 of the U.P. Revenue Code which should be considered before the demolitions are carried out.

3. Considering the submissions made at the Bar and on perusal of the order, the petitioner is unable to demonstrate any *Bhoomidhari* rights over the offending property on which the constructions have been raised, as such, I do not see any reason to interfere with the impugned orders. However, in case the petitioner has filed an application under Section 101 of U.P. Revenue Code proposing to exchange, the same shall be decided in accordance with law.

4. The writ petition is ***disposed off*** in above terms.

Order Date :- 13.10.2023

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