

Court No. - 3

Case :- WRIT - C No. - 8793 of 2023

Petitioner :- Abdul Samad Khan And 18 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Rural Development, U.P. Govt. Lucknow And 4 Others

Counsel for Petitioner :- Farooqahmad

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner, Shri Dilip Kumar Pandey, learned counsel for the respondents and perused the record.

The present writ petition has been filed with the following main reliefs:

"I. Issue a writ of mandamus commanding the opp. parties to restrain them from constructing Gaushala over the bhumidhar land of the plot No.798 including banjar plot No.799 surrounded by Aabadi in two sides forthwith.

II. Issue a writ of mandamus commanding the opp. parties to construct Gaushala on undisputed land of government plot no.442 area 0.417 hectare and plot No.547 area 0.411 hectare situated in Village Madarnagar, Pargana & Tehsil Bangarmau, District Unnao which are on road side and also far away from Abadi forthwith."

Learned counsel for petitioner submits that grievance of petitioner would be substantially met in case the petitioner is permitted to move an application for demarcated of his land under Section 24 of the U.P. Revenue Code, 2006 and same is considered and decided in a time bound manner.

Learned Standing Counsel has no objection to the same.

In view thereof, petitioner is permitted to make a fresh detailed representation/ application under Section 24 of the U.P. Revenue Code, 2006 before the S.D.M./ Assistant Collector

concerned raising all his grievance, annexing therewith a copy of this writ petition along with annexures and all the documents in support of his claim within a period of one week from today along with a certified copy of this order.

In case such a representation/ application is moved by petitioner, the officer concerned shall consider and decide the same after due survey in accordance with law by a reasoned and speaking order within a period of eight weeks from the date a certified copy of this order along with representation is placed before him.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is disposed of.

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[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 11.10.2023

S. Kumar