

Court No. - 3

Case :- WRIT - C No. - 9091 of 2023

Petitioner :- Pankaj Kumar Chaudhary And Others

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

Counsel for Petitioner :- Udai Pratap Yadav

Counsel for Respondent :- C.S.C.,Pankaj Gupta

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the parties and perused the record.

Petitioners have approached this Court with the prayer to issue a writ order or direction in the nature of 'Mandamus' thereby commanding the Opposite Parties No.1 to 4 not to create the illegal construction of the water tank over the Land Gata No.112Ka measuring area 0.2630 Hectare, which is recorded in the name of petitioner in the revenue record.

Learned Standing Counsel on instruction states that the constructions are not being raised on the land of the petitioner but the water tank is being constructed on Gata No. 112 Kha.

In the given facts and circumstances, learned counsel for petitioners submits that grievance of petitioner would be substantially met in case application under Section 24 of the U.P. Revenue Code, 2006 of petitioner for the said purposes is considered and decided in a time bound manner.

In view thereof, petitioners are 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 ten days from today along with a certified copy of this order.

In case such a representation/ application is moved by petitioners, the officer concerned shall consider and decide the same in accordance with law by a reasoned and speaking order

after due survey of the land of the petitioner within a period of six 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 :- 17.10.2023

S. Kumar