

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 985 of 2023

Petitioner :- Lokesh Kumar Khurana And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 5 Others

Counsel for Petitioner :- Jyoti Rajpoot, Gaurav Gupta

Counsel for Respondent :- C.S.C., Mahendra Kumar Srivastava, Ratnesh Chandra

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Jaspreet Singh, J.

1. Heard Ms. Jyoti Rajpoot, learned counsel for the petitioners, Shri V.P. Nag, learned standing counsel for the respondents No.1 to 4, Shri Ratnesh Chandra, learned counsel for the respondent No.5 and Shri Mahendra Kumar Srivastava, learned counsel for the respondent No.6.

2. The instant petition has been filed by the petitioners in the nature of public interest litigation claiming the following reliefs:-

"1. a writ in the nature of Mandamus or any other appropriate writ(s), order(s) or direction(s) directing the respondent no.1 to set up a probe by a Special Investigation Team headed by a retired Chief Justice of India or direct the Comptroller and Auditor General of India to investigate the alleged irregularities associated with the above mentioned project for the construction of New Campus of Meerut Nagar Nigam located at Khasra No.6041 Kasba Meerut Mahal Dawam (NON-ZALR) (mentioned in Khatauni No.241 and 242) and submit its report before this Hon'ble Court and immediately take effective steps against the erred liable officials of Meerut Municipal Corporation according to law as well towards ensuring the recovery of loss (as mentioned in said audit report) caused due to their negligence and corrupt practices;

2. To direct for disposal of Representation dated 09.10.2023 sent by the petitioners to respondent No.3 and direct it to provide list of awardees who were compensated in the acquisition of impugned land located at said Khasra No.6041 Kasba Meerut Mahal Dawam (NON-ZALR) (mentioned in Khatauni No.241 and 242)".

3. The submission of the learned counsel for the petitioners is that there is a dispute in respect of land located at Khasra No.6041 Kasba Meerut Mahal Dawam (NON-ZALR) (mentioned in Khatauni No.241 and 242) and the said dispute is between the U.P. Avas and Vikas Parishad and the State on the other side.

4. It has further been pointed out that in respect of the aforesaid dispute, the respondent - U.P. Avas and Vikas Parishad has filed a petition before this Court at Prayagraj bearing **WRIT-C No.30482 of 2012 (U.P. Avas and Vikas Parishad and Another v. State of U.P. and others)** and by means of the order dated 27.11.2017, the said writ petition was dismissed on the ground of alternative remedy leaving it open for the petitioner of the said writ petition to approach the State Government in accordance with law.

5. It has also been submitted that since the land in question which is the subject matter of dispute is being used for raising constructions by the Nagar Nigam, Meerut, however, the said land does not belong to the Nagar Nigam yet by raising constructions thereon, there is going to be colossal waste of public money and unless the title is cleared, none of the parties to the litigation should be permitted to raise any constructions as that would be waste of public resources and money.

6. Having heard the learned counsel for the parties and from the perusal of the material on record, this Court finds that the dispute is in respect of land which is situate in District Meerut. Initially, the U.P. Awas Vikas Parishad had filed a petition before this Court at Prayagraj which was dismissed leaving it open for the parties to approach the State Government.

7. The record further indicates that there are correspondence exchanged between the U.P. Avas and Vikas Parishad and the State including certain orders passed by the Board of Revenue at Prayagraj.

8. In the aforesaid backdrop, this Court finds that apparently there is a dispute between the U.P. Avas and Vikas Parishad and the State. The land in question has got no bearing with the petitioners nor the issue which is raised has any public interest involved. The petitioners have also not been able to disclose their credential as required under Chapter-XXII Rule 1(3-A) of the Allahabad High Court Rules, 1952.

9. In view of the aforesaid, we are of the opinion that the petition is not inspired by any cause of public interest. Accordingly, it is dismissed.

Order Date :- 27.10.2023
Rakesh/-

[Jaspreet Singh, J.] [Pritinker Diwaker,CJ.]