

Court No. - 9

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 991 of 2023

Petitioner :- Raj Narayan Dwivedi

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Rural Development U.P. Govt. Lko. And Others

Counsel for Petitioner :- Alok Kumar Tripathi

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

Hon'ble Rajan Roy, J.

Hon'ble Manish Kumar, J.

Heard.

The petitioner has filed this petition seeking following reliefs:

"I. Issue a writ, order or direction in the nature of mandamus commanding and directing the opposite parties to ensure the construction of water tank on the earmarked place i.e. Gata No. 1039 situates at Village Pure Ghisa Mishr, Kanoo, Pargana & Tehsil and District Amethi.

II. Issue a writ order or direction in any nature which this Hon'ble Court may deem fit and proper under the circumstances of the case."

The contention is that the water tank instead of being constructed at Gata No. 1039 as proposed by the Gaon Sabha is being constructed at Gata No. 526 which is also banjar land and there were several trees existing thereon, most of which have been cut illegally.

Learned standing counsel has received instructions to the effect that there is only one tree standing and that the water tank is being constructed without any harm to the said tree. The instructions are silent as to whether there were other trees on the land which have been cut.

Be that as it may. These are all factual disputes. Petitioner may approach the concerned authority, if he has any cause and locus, but, we see no reason to grant indulgence, especially as the water tank would cater to the need of the residents of the area and the land in question is not bhumidhari land of the petitioner.

Petition is ***disposed of***.

[Manish Kumar, J.] [Rajan Roy, J.]

Order Date :- 2.12.2023

Santosh/-