

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1004 of 2023

Petitioner :- Anand Prasad

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

Counsel for Petitioner :- Bhupendra Nath Tripathi

Counsel for Respondent :- C.S.C., Namit Sharma, Ratnesh Chandra

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner, Shri Shailendra Singh Chauhan, learned Counsel for respondent nos.6 and 7, Shri Namit Sharma, learned Counsel for respondent no.8 and Shri V.P. Nag, learned Additional Chief Standing Counsel for respondent nos.1 to 5.

2. The present public interest litigation relates to the dissipation of land property allotted for the educational purpose. It appears that the administration of the educational institution is presently operated by a Committee of Management impleaded as respondent no.9. The Committee of Management is alleged to have indulged into alienation or use of the property in question for a purpose other than the education.

3. Learned Standing Counsel for the State as well as learned Counsel appearing for the local bodies have informed that an FIR has already been lodged against the Committee of Management for such an activity and the investigation is going on.

4. Once it is an admitted case of the State that an FIR has been lodged against the Committee of Management being ineffective control of management, there is no reason as to why the immovable property allotted to the educational institution may not be demarcated in the meantime.

5. We hereby direct the District Magistrate to constitute a joint team of Sub-Divisional Magistrate, Nagar Nigam as well as Lucknow Development Authority to carry out the requisite demarcation of the property allotted to the educational institution and also to demarcate any other land vested in the State or abadi as the case may be. The demarcation shall be carried out by a prior notice to all the affected parties residing in abadi areas or otherwise in occupation of land belonging to the institution. This exercise shall be carried out not later than a period of three months from the date of production of a certified copy of this order.

6. In view of the above observations/directions, this petition is **disposed of.**

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 31.10.2023

Anand Sri./-