

Court No. - 1

Case :- WRIT - C No. - 10550 of 2023

Petitioner :- Ram Akaval Yadav

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

Counsel for Petitioner :- Vijay Bahadur Yadav, Adarsh
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner and Shri Mohan Singh, learned counsel, who has put in appearance on behalf of respondent No.4 as well as Shri Nishant Shukla, learned Additional Chief Standing Counsel for State-respondent Nos.1 to 3.

2. The instant writ petition filed by the petitioner- **Ram Akaval Yadav** has sought the following reliefs:-

"I. Issue a writ, order or direction in the nature of mandamus commanding the Opposite Parties particularly Opposite Party No.2 and 3 to stop the illegal construction of passage by Opposite Party No.4 in the bhumidhari land of petitioner bearing gata No.817 area 0.1910 hectare and gata No.822 area 0.2390 hectare situated at Village Panchayat Salahpur, Pargana Meeranpur, Tehsil Lambhua, District Sultanpur, (Contained as Annexure No.1), in the interest of justice.

II. Issue a writ, order or direction in the nature of mandamus commanding the Opposite Parties particularly Opposite Party No.2 & 3 to not to disturb the peaceful possession of petitioners on land gata No.817 area 0.1910 hectare and gata No.822 area 0.2390 hectare situated at Village Panchayat Salahpur, Pargana Meeranpur, Tehsil Lambhua, District Sultanpur (Contained as Annexure No.1), in the interest of justice."

3. The petitioner claims to be the bhumidhar of gata No. 817 measuring area 0.1910 hectares and gata No.822 measuring area 0.2390 hectares situated at Village Panchayat Salahpur, Pargana Meeranpur, Tehsil Lambhua, District Sultanpur.

4. It is averred in the writ petition that the Gram Panchayat is constructing a chak marg over the land recorded in the name of the petitioner.

5. Shri Nishant Shukla, learned Additional Chief Standing Counsel, has pointed out that adjacent to the land of the petitioner there exists a chak marg which the petitioner has encroached upon.

6. In these circumstances, without requisite demarcation of the land recorded in the name of the petitioner, the opposite parties may not proceed to construct the chak marg, however, once the demarcation is undertaken as per the procedure prescribed under law, the chak marg may be constructed for general utility of the villagers.

7. The proceedings pending under Section 24 of the U.P. Revenue Code, 2006, if any, as stated in the writ petition, may also be concluded expeditiously, say, within a period of two months in accordance with law.

8. The writ petition is, accordingly, **disposed of**.

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

Order Date :- 5.12.2023
Shubhankar