

Court No. - 18

Case :- WRIT - B No. - 1096 of 2023

Petitioner :- Sangam Singh And Another

Respondent :- State Of U.P. Thru. District Magistrate, Gonda And Others

Counsel for Petitioner :- Vivek Kumar Pandey, Pankaj Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh, J.

Heard Sri Vivek Kumar Pandey, learned counsel for the petitioners, Sri Hemant Pandey, Sri Hemant Pandey, learned Standing Counsel for the State and perused the material placed on records.

The instant petition has been filed for the following reliefs :-

(i) issue a writ in nature of mandamus commanding opp. party no. 4 to take appropriate action as per section 5(1) C of the U.P. Consolidation of Holdings Act, 1953 and restrain opposite party no. 6-8 for raising illegal construction on gata no. 6775 village Pasaka Pargana Gwarich Tehsil Karnail Ganj, District-Gonda.

(ii) Any other suitable order which is necessary for the ends of justice may also be passed by this Hon'ble Court.

(iv) Allow the writ petition with costs.

Learned counsel appearing for the petitioners submits that the opposite parties no. 6 to 8 are constructing a house over the land in question, wherein, the interest of the petitioners is also involved. He added that the land in question is under the consolidation proceedings and once, the present petitioners moved an application under section 5(1) C of the U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as 'Act, 1953'), the Settlement Officer of Consolidation passed the order on 31-12-2022, whereby directing the Assistant Consolidation Officer to stop the opposite parties no. 6 to 8 not to erect any construction over the land in question.

Contention of learned counsel for the petitioners is that even after passing of the order dated 31-12-2022, the opposite parties no. 6 to 8 are still constructing the house over the land in question and they are changing nature of the land purposely other than the agricultural purposes. Therefore, submission is that the construction of the house land over the land in question may be stopped.

On the other hand, learned Standing Counsel appearing for the State has vehemently opposed the contentions aforesaid and submits that if the petitioners have any grievance for non compliance of the order dated 31-12-2022, they can approach the appropriate forum/authority concerned. He also added that it seems that the petitioners did not annex the copy of the report of the Assistant Consolidation Officer and therefore, the instant petition is liable to be dismissed.

Considering the submissions of learned counsel for the parties and after perusal of material placed on record, Settlement Officer of Consolidation is hereby directed to take necessary action if it is found that the opposite parties no. 6 to 8 are acting in derogation to the mandate of provision of Section 5(1) C of the Act, 1953.

With the aforesaid observations, the instant petition is **disposed of**.

Order Date :- 11.12.2023

AKS