

Court No. - 6

Case :- WRIT - C No. - 11385 of 2023

Petitioner :- Rajesh Kumar Varma

Respondent :- Addl. Commissioner, Devi Patan Mandal, Gonda And Others

Counsel for Petitioner :- Govind Kumar Chourasia

Counsel for Respondent :- C.S.C., Nagendra Pratap Singh, Pankaj Gupta

Hon'ble Rajnish Kumar,J.

Heard Sri Govind Kumar Chaurasia learned counsel for the petitioner, Sri Upendra Singh learned Additional Chief Standing counsel, Sri Pankaj Gupta learned counsel for the respondent no.3 and Sri Nagendra Pratap Singh learned counsel for the respondent no.4.

Learned Additional Chief Standing counsel raised a preliminary objection that inadvertently the lease of the P.W.D road has been made therefore the said order has been set aside by means of the order dated 16.11.2023 and the matter has been remanded to pass fresh order after affording opportunity and making spot inspection. Therefore, this petition is not maintainable.

Learned counsel for the petitioner submits that the petitioner had made complaint in regard to the lease of the P.W.D road. However, while setting aside lease order passed by the Additional Commissioner, Gonda, the matter has been remanded whereas it could not have been done. The lease order has been set aside only on the ground that the lease of the PWD road has been made, therefore, fresh decision may be taken after spot inspection and affording opportunity to the parties. Therefore, the submission of learned counsel for the petitioner is misconceived. Even otherwise once an action has been taken on the complaint of the complainant i.e. the petitioner, he has no locus to challenge the same without having sufficient ground.

With the aforesaid, the petition is dismissed.

(Rajnish Kumar,J.)

Order Date :- 22.12.2023/Harshita