

Court No. - 7

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 7145 of 2012

Petitioner :- Moti Lal Yadav Advocate

Respondent :- State Of U.P.Throu Its Secy. Deptt.Of Housing And Urban And Ors

Counsel for Petitioner :- M.L.Yadav Inperson

Counsel for Respondent :- C.S.C.,Gaurav Mehrotra,Mukund Tiwari

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Saurabh Lavania,J.

1. The instant petition, filed purportedly in public interest, is for issuance of direction to respondents to get vacated the pond land and Shamshan Ghat from unauthorized occupants.
2. An affidavit has been filed on behalf of respondent nos. 5 and 7 on 14.11.2022 stating that the allegation in the writ petition that Rapti Apartment and Hestia Apartment are built over Khasra Nos. 87 and 88 which are recorded as pond in the revenue record is absolutely incorrect. There are no such constructions existing over the plots. It is further stated that the allegations in relation to constructions over Khasra Nos. 93, 95, 96 and 97 are false. Similar denial has been made in respect of other Khasra numbers.
3. The petitioner has not filed any reply to the said affidavit nor any evidence to establish that any illegal structure is in existence over the aforesaid plots.
4. Consequently, we are not inclined to examine the issues sought to be raised in the instant petition any further.
5. The instant petition is, accordingly, dismissed.
6. We, however, clarify that dismissal of the petition shall not be construed as a decision in favour of any person who might be found in illegal possession of any of the aforesaid plots, in case, such issue arises, in any duly constituted proceedings.

(Saurabh Lavania, J) (Manoj Kumar Gupta, ACJ)

Order Date :- 30.1.2024

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