Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9271 of 2024

Petitioner :- Ram Sunder Dhuriya Gond
Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. Lko. And Others
Counsel for Petitioner :- Rajesh Kumar Dhuriya,Anil Kumar Nishad
Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary,J.
Hon'ble Om Prakash Shukla,J.

Heard learned counsel for petitioner and learned A.G.A. for the State.

This petition seeks issuance of a writ in the nature of mandamus commanding he opposite parties to consider and decide application of November, 2024 in light of Section 152 of B.N.S.S., 2023 read with order and judgment passed in case of Misc. Bench No.12801 of 2011 as well as further direction to the opposite parties to remove illegal encroachment over drain as per order and direction dated 21.9.2024.

A perusal of the record shows that the petitioner has not yet moved an appropriate application in the Court of Sub Divisional Magistrate and has only sent the same by a registered post. The said application is also not even supported with any affidavit or evidence to prove that any unauthorized encroachment has taken place.

In view thereof, liberty is granted to the petitioner to move an appropriate application before the appropriate Court in accordance with law. In case such an application is filed by the petitioner, it is expected that the Court/authority concerned shall proceed with the same expeditiously in accordance with law.

In view of the aforesaid, the writ petition stands disposed of.

(Om Prakash Shukla, J.) (Vivek Chaudhary,J.)

Order Date :- 5.12.2024
Arjun/-

Digitally signed by :-
ARJUN PRASAD
High Court of Judicature at Allahabad,
Lucknow Bench