Court No. - 2
Case :- WRIT - C No. - 10930 of 2024
Petitioner :- Ram Shabad
Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Revenue Sectt. Lko. And 4 Others
Counsel for Petitioner :- Hanumant Lal Yadav,Abhiram Mishra
Counsel for Respondent :- C.S.C.,Ajay Kumar Singh Raj

Hon'ble Rajan Roy,J.
Hon'ble Brij Raj Singh,J.

1. Instructions filed on behalf of opposite party no. 5 is taken on record.

2. Heard.

3. Shri Ajay Kumar Singh Raj, counsel for O.P. No.5 says that the construction as alleged by the petitioner is not being undertaken on the bhumidhari land. Demarcation exercise has been done and thereafter the construction is being done, which is not on the bhumidhari land.

4. Let the Sub Divisional Magistrate, Lambhua get the facts verified firstly, as to whether any demarcation exercise has been done, if so, whether the bhumidhari land of the petitioner bearing Gata Nos.648 and 656 have been encroached in any manner by the Nagar Panchayat for undertaking any construction for public purpose, if so, then he will immediately stop the construction and remove the encroachment, However, if he finds that the bhumidhari land of the petitioner has not been encroached then the matter shall rest as it is, however, he shall intimate it in writing to the petitioner and the Nagar Panchayat. Let this exercise be completed within three weeks.

5. It is made clear that if the Nagar Panchayat undertakes any construction on the bhumidhari land of the petitioner then it shall be at its own peril and it may be made liable for it as per law. If the petitioner is found to have encroached any public land or any land other than his bhumidhari land, then obviously he will have to vacate the same,

6. The writ petition is disposed of.

Order Date :- 20.12.2024
Pks

[Brij Raj Singh,J.] **[Rajan Roy, J.]**

Digitally signed by :-
POOJA SETH
High Court of Judicature at Allahabad,
Lucknow Bench