
(2001) 11 AHC CK 0105
In the Allahabad High Court
Case No : C.M.W.P. No. 38821 of 2001

Sardar Singh

APPELLANT

Vs

District Magistrate, Meerut and Others

RESPONDENT

Date of Decision : 24-11-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 1 AWC 77 : (2002) 1 UPLBEC 63

Hon'ble Judges : Lakshmi Bihari, J;D.S. Sinha, J

Bench : Division Bench

Advocate : N.L. Pandey, for the Appellant; Ran Vijay Singh, S.C., for the Respondent

Final Decision : Dismissed

Judgement

D.S. Sinha and Lakshmi Bihari, JJ.—Heard Sri N. L. Pandey, the learned counsel appearing for the petitioner and Sri Ran Vijay Singh, learned standing counsel of the State of U. P., representing the respondent Nos. 1 to 5, at length and in detail.

2. For the existing dilapidated building of the Primary School in village Saudat Sheopuri, Tehsil Mawana, Block Parikshitgarh, district Meerut, the Gram Panchayat of the village has decided to construct a new building of the school at plot bearing Khasra No. 22.

3. The petitioner invokes the assistance of this Court through instant writ petition under Article 226 of the Constitution of India to stall the proposed construction of the new building of the school.

4. It appears that there was some dispute about the land, the site of the proposed construction of the building, and in that connection, the District Magistrate, Meerut, the respondent No. 1, had passed an order dated October 19, 2001. staying the proposed construction. Later, on an enquiry it was revealed before the District Magistrate, the respondent No. 1. that in fact there was no

dispute. It was also brought to his notice that nobody was prepared to gift his land for the purpose. It was further brought to the notice of the respondent No. 1 that the plot bearing Khasra No. 22 was reserved by the Gram Panchayat for construction of the school building. In the backdrop of these facts, the District Magistrate, the respondent No. 1, has passed an order dated November 8, 2001, vacating the order passed by him on October 19, 2001, staying the proposed construction. The petitioner seeks to have this order quashed.

5. The Court has examined the facts and circumstances, as disclosed in the petition, thoroughly, and is of the opinion that the petition is frivolous.

6. Indisputably, the land over which the new building is proposed to be constructed belongs to the Gram Panchayat and the petitioner has no right, title or interest of any kind therein. He is merely a resident of the village.

7. The learned counsel of the petitioner submits that instant petition is by way of public interest litigation to safeguard the interest of the residents of the village and their children. According to him, the site of the proposed building is at a distance of five hundred metres from the old dilapidated building of the school. and the shifting of the location of the building from the old site to the new one will be against the interest of the inhabitants of the village. The submission of the learned counsel appearing for the petitioner is devoid of substance. Indeed, interference with the impugned order whereby the earlier order staying the construction has been annulled will be detrimental to the interest of the inhabitants of the locality. The petitioner does not appear to have any legitimate sanction from the inhabitants of the locality to maintain this petition. He appears to be merely a busybody, and Instant petition cannot be entertained at his instance.

8. Interference with the impugned order would result in miscarriage of justice rather than promotion of justice which lies in favour of the inhabitants of the locality and not in favour of the petitioner or anybody else.

9. The Gram Panchayat Is the owner of the land over which the construction of the new building is proposed. It has every right to raise the construction on the land without interference from anybody, including the petitioner.

10. All told, the petition, in the opinion of the Court, is absolutely devoid of substance warranting no Interference by this Court. It is, therefore, dismissed summarily.