

(2010) 03 AHC CK 0189
In the Allahabad High Court
Case No : Writ-C No. 9836 of 2010

Vijai Kumar Mishra and another	Vs	APPELLANT
State of U.P.Through D.M.Allahabad and others		RESPONDENT

Date of Decision : 30-03-2010

Acts Referred:

Citation : (2010) 03 AHC CK 0189

Hon'ble Judges : Ashok Bhushan, J and Yogendra Kumar Sangal, J

Final Decision : Disposed Of

Judgement

Ashok Bhushan and Yogendra Kumar Sangal, JJ.—Supplementary affidavit filed today is taken on record.

2. Heard learned Counsel for the petitioners and learned Standing Counsel.

3. By this writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to comply with the judgment of Hindi Lal Tiwari case in relation to maintenance of Tank. Learned Counsel for the petitioners has pressed the prayer No. 2 only by which a direction to respondent No. 1 has been sought to decide the petitioner's representation dated 27.1.2010 Annexure 3 to the writ petition.

4. Grievance of the petitioner is that respondent Nos. 6 to 12 have unauthorisedly occupied the land of pond being Plot No. 2095Kha area 2.0200 Hectare. Allegation of the petitioners is that pond has been filled up by the aforesaid private respondents and they have made certain constructions over the pond. The further allegation is that in spite of applications given to the District Magistrate and other authorities, no action has been taken.

5. Under section 122B of the U.P. Zamindari Abolition and Land Reforms Act, the Assistant Collector is fully empowered to take action against encroacher of the public land.

6. Considering the facts of the case, we dispose of the writ petition with a liberty

to the petitioner to bring it into the notice of the Assistant Collector about the encroachment of the public land if any, it is for the Assistant Collector to take appropriate action after giving notice to the respondent Nos. 6 to 12 in accordance with law.

7. The writ petition is disposed of with the above observations.