

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 1010/2001
(Old No.20043 of 1999)

Kumari Meenakshi Agrawal Petitioner

Versus

State of Uttar Pradesh
Through its District Magistrate,
Udham Singh Nagar and others.

..... Respondents.

.....

Sri T.A.Khan learned counsel for the petitioner.
Sri Sudhir Kumar, learned Brief Holder for the State/respondent
Nos. 1 & 2.

Date: Aug. 29,2008.

Hon'ble P.C.Verma,J.

The petitioner has prayed for the following
reliefs:-

- (a) Issue a writ, order or direction in the nature of mandamus commanding the respondents the demarcation proceedings in Case No.5/98 Pawan Popular Ltd. and others Vs. Kumari Meenakshi Agrawal pending in Court of Respondent No.2 stop on the basis of under Section 133(A) U.P.Z.A. & L.R. Act.
- (b) Issue a writ, order or direction in the nature of mandamus commanding the Respondents not to harass the petitioner on the basis of lease granted State Government on 22.06.1933.
- (c) Pass an appropriate writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
- (d) Award cost of petition to the petitioner.

2. The main prayer even could be granted by the Collector and there is no refusal on record by the Collector. Therefore, I am not inclined to entertain the petition. Every point prayed is within the jurisdiction of the Collector. The Collector may look into the matter. The petitioner is relegated to approach the Collector and the Collector shall pass appropriate order in the facts and circumstances of the case and on the basis of record filed by the petitioner. The District Magistrate concerned is directed to dispose of the application filed under Section 41 of the Land Revenue Act including its maintainability within a period of two months from the date of production of certified copy of this order.

3. The writ petition is dismissed accordingly.

(P.C.Verma,J.)
29.08.2008