

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O. A. No. 406 OF 2025**

IN THE MATTER OF

SUYASH MISHRA

....APPLICANT

Versus

**STATE OF UTTAR PRADESH
& ORS**

...RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 5 I.E. SWAPNIL
HOTEL**

FOR INDEX:- Kindly See Inside

**New Delhi
Dated:16.05.2026**

Filed BY

Mansi
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**REPLY ON BEHALF OF RESPONDENT NO. 5 I.E. SWAPNIL
HOTEL**

**THE HUMBLE REJOINDER ON BEHALF OF RESPONDENT
NO. 5 MOST RESPECTFULLY SHOWETH:**

1. That the present application has been filed by the applicant alleging that the unauthorized construction has been raised by the Respondent No. 5 (Swapnil Hotel) within 100 meters of Tamsa river at Ambedkar Nagar, UP. The matter is pending for adjudication before this Honourable Tribunal.
2. That this Honourable Tribunal vide order dated 28.11.2025 was pleased to issue the notice to the respondents. Pursuant to it, the present reply is being filed by Respondent No. 5.
3. At the outset, the respondent herein denies each and every statement, submissions and contentions set forth in the original application to the extent as the same are contrary to

and/ or inconsistent with the true and complete facts of the case and/or the submission made by the respondent herein in the present reply. The answering respondent herein further submits that the averments and contentions, as stated in the original application under reply, may not be taken to be deemed to have been admitted by the respondent herein, except what are specifically and expressly admitted.

PRELIMINARY SUBMISIONS:-

1. That the present Original Application filed by the Applicant is wholly false, frivolous, vexatious, misconceived, malicious and devoid of any legal merit whatsoever and is liable to be dismissed at the threshold with exemplary and deterrent costs.
2. That the Applicant has approached this Hon'ble Tribunal with unclean hands and has deliberately concealed and suppressed material facts, official reports and findings of competent authorities which completely negate the allegations made in the present application.
3. That the present proceedings are a gross abuse and misuse of the environmental jurisdiction of this Hon'ble Tribunal. The applicant has attempted to disguise his personal vendetta and family rivalry under the garb of environmental litigation only with the intent to harass, malign and pressurize Respondent No. 5 and its owner.

4. That the Applicant is the nephew of the owner of Respondent No. 5 and due to strained personal relations and private disputes, the Applicant has initiated false and malicious proceedings against Respondent No. 5 only to harass and pressurize the answering Respondent.
5. That the Applicant is a habitual offender with criminal antecedents and is continuously engaged in acts of extortion and harassment against respondent No. 5. The respondent No. 5 had also filed an FIR i.e. FIR No. 0477/2025 dated 22.06.2025, at P.S Akbarpur, District Ambedkar Nagar, U.P against the applicant for extortion of money from the respondent No. 5, and thus the applicant has instituted the present Original Application as a retaliatory counterblast solely to harass, pressurize and malign Respondent No. 5 by misusing the environmental jurisdiction of this Hon'ble Tribunal for settlement of personal vendetta and private disputes.

The true copy of FIR No. 0477/2025 dated 22.06.2025 is annexed herewith and marked as **ANNEXURE A/1**.

6. That the Applicant is a person of criminal antecedents and several FIRs/criminal proceedings have already been lodged against him in relation to offences involving extortion, criminal intimidation, harassment, defamation, cyber misconduct and other unlawful activities, which clearly

establish that the Applicant is habitually engaged in abusing legal processes and intimidating innocent persons for unlawful monetary gain. The records placed on record further demonstrate that the Applicant has consistently adopted a pattern of threatening, blackmailing and harassing individuals, including Respondent No. 5, with the sole objective of extorting money and exerting unlawful pressure. The present Original Application is yet another malicious attempt by the Applicant to misuse the environmental jurisdiction of this Hon'ble Tribunal as a weapon of harassment and coercion against Respondent No. 5 after criminal proceedings were initiated against him. The conduct of the Applicant clearly reflects abuse of process of law, and therefore the present application deserves outright dismissal with exemplary and deterrent costs.

The true copies of various FIR's filed against the applicant are annexed herewith and marked as **ANNEXURE A/2**.

7. That it is also pertinent to mention that Respondent No. 5 has also instituted criminal proceedings against the Applicant in Case No. 2661/2025 titled *Vinod Chandra Mishra vs. Suyash Kumar Mishra*, filed on 21.04.2025, before the learned ACJM, Ambedkar Nagar, wherein serious allegations of extortion, criminal intimidation, harassment and defamation were levelled against the Applicant. It was specifically alleged that the Applicant used to demand illegal "goonda tax", threaten

hotel staff and circulate false and defamatory content against Respondent No. 5 through social media and newspapers. After considering witness statements and documentary evidence, the learned Court vide order dated 12.05.2026 summoned the applicant under Sections 356(2) and 308(2) BNS. The aforesaid proceedings clearly establish the criminal conduct and malafide intentions of the Applicant and demonstrate that the present Original Application has been filed merely as a retaliatory counterblast to harass and pressurize Respondent No. 5.

The true copy showing the case status filed by applicant against the applicant on 21.04.2025, along with order dated 12.05.2026 passed by learned ACJM, Ambedkar Nagar is annexed herewith and marked as **ANNEXURE A/3 (COLLY)**.

8. That the sole intention of the Applicant is to harass and malign the answering Respondent due to personal rivalry and vendetta, which is evident from the fact that several other commercial establishments and residential properties are situated at a much lesser distance from River Tamsa than Respondent No. 5, yet the Applicant has selectively targeted only the answering Respondent while remaining completely silent regarding all other similarly situated constructions. The selective nature of the allegations clearly establishes that the present Original Application is not a bonafide environmental litigation but a motivated proceeding filed solely to settle

personal scores and misuse the jurisdiction of this Hon'ble Tribunal for collateral purposes.

The photographs of several other establishments are annexed herewith and marked as **ANNEXURE A/4**

9. That the Applicant has not approached this Hon'ble Tribunal with clean hands and has instituted the present proceedings under the guise of public interest/environmental litigation solely to settle personal scores and pursue private vendetta against Respondent No. 5. The present Original Application is a clear misuse of the environmental jurisdiction of this Hon'ble Tribunal, which cannot be permitted to be invoked for settlement of personal disputes, harassment or collateral purposes. It is a settled proposition of law that Public Interest Litigation cannot be used as a weapon for personal rivalry or private enmity. The Hon'ble Supreme Court in **Subhash Kumar v. State of Bihar, reported in (1991) 1 SCC 598**, has categorically held that Public Interest Litigation cannot be invoked for satisfying personal grudge or enmity. Further, the Hon'ble Supreme Court in **Arun Kumar Sharma v. State of Madhya Pradesh** (Civil Appeal Nos. 3263-3264 of 2025) has also held that misuse of environmental proceedings for personal rivalry or collateral purposes is impermissible and such proceedings deserve dismissal with costs. Furthermore, the Honourable apex court in **Kalyaneshwari vs U.O.I. & Ors** (W.P (C) No. 260 of 2004) on 21 January, 2011 held that

"In Ashok Kumar Pandey v. State of West Bengal [(2004) 3 SCC 349], this Court took a cautious approach while entertaining public interest litigations and held that public interest litigation is a weapon, which has to be used with great care and circumspection. The judiciary has to be extremely careful to see that no ugly private malice, vested interest and/or seeking publicity lurks behind the beautiful veil of public interest. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. In the case of Rajiv Ranjan Singh Lalan v. Union of India [(2006) 6 SCC 613], this Court reiterated the principle and even held that howsoever genuine a case brought before a Court by a public interest litigant may be, the Court has to decline its examination at the behest of a person who, in fact, is not a public interest litigant and whose bona fides and credentials are in doubt; no trust can be placed by the Court on a mala fide applicant in a public interest litigation. The Courts, while exercising jurisdiction and deciding a public interest litigation, has to take great care, primarily, for the reason that wide jurisdiction should not become a source of abuse of process of law by disgruntled litigant. Such careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose true facts and approach

the Court with clean hands. Thus, it is imperative that the petitions, which are bona fide and in public interest alone, be entertained in this category. Abuse of process of law is essentially opposed to any public interest. One, who abuses the process of law, cannot be said to serve any public interest, much less, a larger public interest. In the name of the poor let the rich litigant not achieve their end of becoming richer by instituting such set of petitions..."The conduct of the Applicant clearly demonstrates that he has approached this Honourable tribunal for personal gains, vested interest and in abuse of process of law and therefore the present application deserves outright dismissal with exemplary costs.

The true copy of the Honourable Supreme Court order passed in *Kalyaneshwari vs U.O.I. & Ors (W.P (C) No. 260 of 2004)* on 21 January, 2011 is annexed herewith and marked as **ANNEXURE A/5.**

10. That the newspaper cuttings annexed with the Original Application are wholly unreliable, self-serving and incapable of being relied upon in the absence of any independent verification or authenticated source. The Applicant, who portrays himself as a so-called journalist, has himself published several of the said news items and media reports with the sole intention of maligning and defaming Respondent No. 5 and creating a false narrative against the hotel. The said newspaper publications are nothing but motivated

publications engineered at the instance of the Applicant and therefore cannot be treated as credible evidence in judicial proceedings. It is a settled proposition of law that unverified newspaper reports have no evidentiary value unless supported by cogent and independent material evidence. Therefore, the newspaper cuttings annexed by the Applicant deserve to be discarded outright and cannot form the basis for any adverse inference against Respondent No. 5.

REPLY ON MERITS:

1. That the allegations made by the Applicant regarding unauthorized construction being raised by the answering Respondent within 100 meters of Tamsa river at Ambedkar Nagar, U.P are wholly false, baseless and unsupported by any scientific evidence. The Respondent No. 5 has constructed the hotel after lawfully purchasing the land i.e. Plot No. 306/2, in year 2003, strictly in accordance with law and after obtaining all requisite permissions and approvals from competent authorities including Nagar Palika Parishad, Akbarpur.

The True copy of revenue record showing the land of answering respondent (Plot No. 06/2) duly recorded in revenue records is annexed herewith and marked as **ANNEXURE A/6.**

2. That the building map of the answering respondent is also duly approved by the Nagar Palika Parishad, Akbarpur,

District Ambedkar Nagar, U.P vide letter dated 06.07.2015. The building map/site plan of Respondent No. 5 was duly sanctioned and approved by Nagar Palika Parishad, Akbarpur prior to commencement of construction and therefore the allegation of unauthorized construction is absolutely false and misleading.

3. That apart from this, as per the records and letter dated 13.02.2026 issued by the minor irrigation department to the answering respondent, the hotel of the answering respondent does not lie in flood prone zone, but falls under the "safety zone".

The true copy of the letter dated 13.02.2026 issued by irrigation department is annexed herewith and marked as **ANNEXURE A/7.**

4. That the answering respondent has never encroached or did any unauthorized construction on the floodplains of river Tamsa. In absence of any legally demarcated floodplain boundary or officially notified prohibited zone, the allegation that Respondent No. 5 has undertaken construction within prohibited floodplain area is wholly baseless and unsustainable. Also, the construction of the hotel near river Tamsa has never caused any ecological disturbance or obstruction of natural flow of river Tamsa. The same has finding has also been recognized in

proceedings in Case no. T-40/2002 titled as State versus Vinod Kumar Mishra. The Sub divisional Magistrate, Akbarpur, district Ambedkar Nagar, vide order dated 08.01.2018 held that Gata No. 306/2 is situated at a distance of approximately 80 feet from river and it does not obstruct the natural flow of the river.

The true copy of the order of Sub divisional Magistrate, Akbarpur, district Ambedkar Nagar, dated 08.01.2018 is annexed herewith and marked as **ANNEXURE A/8**.

5. That the Applicant has intentionally suppressed the aforesaid official findings and has attempted to mislead this Hon'ble Tribunal by making vague and generalized allegations. The Applicant has also failed to place on record any authenticated survey report or any scientific study, demonstrating that the construction of Respondent No. 5 obstructs the river flow in any manner whatsoever. Furthermore, no notification, survey report has been placed on record by the Applicant to establish that the land of Respondent No. 5 falls within any prohibited ecologically sensitive floodplain area.

PARA-WISE REPLY:

- 1) That the contents of Para 1 & 2 needs no reply.
- 2) That the contents of Para 3 & 4 are wrong and hence denied. It is humbly submitted that the double road

leading from the Old Tehsil towards the Post-mortem House is a long thoroughfare road which has been carved out from the Khasra-Khatoni records of various local residents and landowners of the locality. The land comprising the said road was acquired/deducted proportionately from the plot numbers of several different owners who have their respective houses, shops and establishments situated along the said road. Therefore, the road is not exclusively a public road or government land as falsely alleged by the Applicant. Moreover, no congestion or obstruction of public movement on the road is created as falsely alleged by applicant.

The geo tagged photographs of the road are annexed herewith and marked as **ANNEXURE A/9**.

- 3) That the contents of Para 5 are wrong and hence denied. It is humbly submitted the answering respondent has never encroached or did any unauthorized construction on the floodplains of river Tamsa. In absence of any legally demarcated floodplain boundary or officially notified prohibited zone, the allegation that Respondent No. 5 has undertaken construction within prohibited floodplain area is wholly baseless and unsustainable. Also, the construction of the hotel near river Tamsa has never caused any ecological disturbance or obstruction of natural flow of river Tamsa. The same has finding has also been

recognized in proceedings in Case no. T-40/2002 titled as State versus Vinod Kumar Mishra wherein the Sub divisional Magistrate, Akbarpur, district Ambedkar Nagar, vide order dated 08.01.2018 held that Gata No. 306/2 is situated at a distance of approximately 80 feet from river and it does not obstruct the natural flow of the river.

- 4) That the contents of Para 6 are wrong and hence denied as the answering respondent has not trespassed any public or government land which has caused degradation of environment. The applicant just to malign and defame the answering respondent, due to personal rivalry has made such allegation and that too without any substantial evidence, or any scientific findings.
- 5) That the contents of Para 7 needs no reply.
- 6) That the contents of Para 8 is a matter of record. However, it is submitted in this regard that the news reports published in newspapers are unreliable, self-serving and incapable of being relied upon in the absence of any independent verification or authenticated source. The Applicant, who portrays himself as a so-called journalist, has himself published several of the said news items and media reports with the sole intention of maligning and defaming Respondent No. 5 and creating a false narrative against the hotel. The said newspaper publications are

nothing but motivated publications engineered at the instance of the Applicant and therefore cannot be treated as credible evidence in judicial proceedings. It is a settled proposition of law that unverified newspaper reports have no evidentiary value unless supported by cogent and independent material evidence. Therefore, the newspaper cuttings annexed by the Applicant deserve to be discarded outright and cannot form the basis for any adverse inference against Respondent No. 5.

7) That the contents of Para 9 need no reply.

REPLY TO GROUNDS:

1. That the contents of Para a are denied and submitted that there is no demarcation of the Tamsa river floodplains yet to state that they are prohibited zone. The answering respondent has constructed the hotel only after obtaining the requisite approvals from the authorities. The Letter of the mining department dated 13.02.2026 also mentions that the land of the answering respondent does not lie in flood prone zone, but is in the safety zone. Furthermore, the order dated 08.01.2018 passed by the Sub divisional Magistrate, Akbarpur also finds that the construction of answering respondent, does not hamper or obstructs the natural flow of the river.

- 2.** That the contents of Para b are wrong and hence denied. It is submitted that the answering respondent has not encroached upon the government or public land, in any manner whatsoever, which amounts to any violation of the provisions of EP Act, 1986.
- 3.** That the contents of Para c are wrong and denied. The answering respondent is a complaint hotel, holding valid consent from the UPPCB. The answering respondent has installed all the pollution control devices. The latest inspection of the UPPCB dated 27.01.2026, the sample of effluent was found within the prescribe norms and parameters.
- 4.** That the contents of Para d need no reply.
- 5.** That the contents of Para e are wrong and denied. It is submitted that the answering respondent is not engaged in any activity which could amount to violation of the fundamental rights of the citizens. The answering respondent himself is a law-abiding citizen of this country, who operates his hotel as per the norms and laws.
- 6.** That the contents of Para f and g need no reply.
- 7.** That the contents of Para h are denied upto the extent that the land around the river has been trespassed and

encroached by the answering respondent. No land has been encroached or trespassed by the answering respondent.

8. That the contents of Para i to I needs no reply.

PRAYER:

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a. Dismiss the present Original Application filed by the Applicant as being false, frivolous, vexatious and abuse of the process of law;
- b. Impose exemplary and punitive costs upon the Applicant for filing the present motivated and malicious litigation;
- c. Hold that the present application is not a bonafide environmental litigation but a proceeding instituted for personal purposes;
- d. Pass any other order(s) which this Hon'ble Tribunal may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT NO. 5 SHALL AS IN DUTY BOUND EVER PRAY.

Dated: 16.05.2026

Filed By:

Mansi
S.A ZAIDI & MANSI CHAHAL
Advocates for Respondent No. 5

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 406 OF 2025

IN THE MATTER OF

SUYASH MISHRA

.....APPLICANT

VERSUS

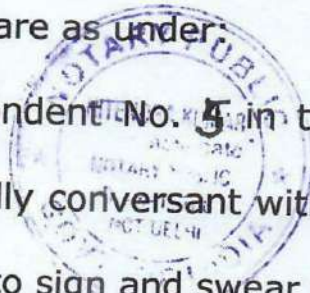
STATE OF UTTAR PRADESH & ORS.

....RESPONDENTS

AFFIDAVIT

I, Vinod Chandra Mishra, Owner of Swapnil Hotel situated at Haus Patti, Postmortem House Road, Gayatri Mandir, Near Old Tehsil Tiraha, Akbarpur, Ambedkar Nagar, Uttar Pradesh:-224122, presently at New Delhi do here by solemnly affirm and declare as under:

1. That I am the Respondent No. 5 in the above noted case therefore I am fully conversant with the fact of the case I am competent to sign and swear this Affidavit.
2. That the accompanying reply has been drafted by me from the instruction of the applicant and the same has been read over and explain to applicant and the same are true and correct.



3. That the Contents of accompanying reply be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

विनोद कुमार मिश्रा
DEPONENT

18 MAY 2026

VERIFICATION

Verified at Delhi on this _____ day of February, 2026 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.

I Identified the deponent who has signed in my presence

विनोद कुमार मिश्रा
DEPONENT



12

CERTIFIED THAT DEPONENT
Sh./Ms. _____ Age _____
S/o, W/o, D/o _____
R/o _____
Identified by _____
has solemnly affirmed the contents of the affidavit & explained to his/her knowledge
On _____
NITENDRA KUMAR, NOTARY PUBLIC
Govt. of India, DELHI

FIRST INFORMATION REPORT

(Under Section 173 B.N.S.S)

प्रथम सूचना रिपोर्ट

(धारा 173 बी एन एस एस के तहत)

1. District/Unit (जिला/इकाई): अम्बेडकर नगर P.S. (थाना): अकबरपुर Year (वर्ष): 2025

FIR No. (प्र.सू.रि. सं.): 0477

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 22/06/2025 18:03 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भारतीय न्याय संहिता (बी एन एस), 2023	308(5)
2	भारतीय न्याय संहिता (बी एन एस), 2023	352
3	भारतीय न्याय संहिता (बी एन एस), 2023	351(3)

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Date from (दिनांक से): Date To (दिनांक तक):

Time Period (समय अवधि): Time From (समय से): Time To (समय तक):

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 22/06/2025 Time (समय): 18:03 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 053 Date and Time (दिनांक और समय): 22/06/2025 18:03 बजे

Type of Information (सूचना का प्रकार): लिखित

23

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): दक्षिण, 02 कि. मी. Beat No. (बीट सं.):

(b) Address (पता): स्वप्निल होटल ,

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): विनोद चन्द्र मिश्रा

(b) Father's Name (पिताका नाम): स्व0 नरसिंह नारायण मिश्रा

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1980 (d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	मीरानपुर, अकबरपुर, अम्बेडकर नगर, उत्तर प्रदेश, भारत
2	स्थायी पता	मीरानपुर, अकबरपुर, अम्बेडकर नगर, उत्तर प्रदेश, भारत

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-10000XXXXX

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	सुयश कुमार मिश्रा		पिता का नाम : वीरेन्द्र कुमार मिश्रा	1. कादीपुर,मालीपुर,अम्बेडकर नगर,उत्तर प्रदेश,भारत
2	कुछ अज्ञात व्यक्ति			1. अज्ञात,अज्ञात

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11.

Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
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12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर हिन्दी वादी न्यायालय श्रीमान् सीजेएम महोदय अम्बेडकर नगर। (प्रार्थनापत्र वास्ते 173 (4) बीएनएसएस) विनोद चन्द्र मिश्र आयु लगभग 45 वर्ष पुत्र स्व नरसिंह नरायन मिश्र निवासी मीरानपुर थाना अकबरपुर जिला अम्बेडकर नगर। -प्रार्थी। बनाम सुयश कुमार मिश्र आयु लगभग 35 वर्ष पुत्र वीरेन्द्र कुमार मिश्र निवासी ग्राम नगर कदीपुर थाना-मालीपुर जिला अम्बेडकर -विपक्षी। मि वाद सं-/25 धारा-173(4) बीएनएसएस थाना-अकबरपुर जिला-अम्बेडकर नगर। महोदय, प्रार्थी का निवेदन निम्नलिखित है:- पैरा-01 यह कि प्रार्थी विनोद चन्द्र मिश्र स्व नरसिंह नरायन सिंह निवासी मीरानपुर थाना अकबरपुर जिला अम्बेडकर नगर का स्थायी निवासी है। सुयश कुमार मिश्र पुत्र वीरेन्द्र कुमार मिश्र निवासी कादीपुर थाना मालीपुर एक अपराधिक प्रवृत्ति के गुण्डा व्यक्ति है। सुयश कुमार मिश्र प्रार्थी के प्रतिष्ठान पर (स्वपनिल होटल) बराबर स्वयं व अन्य कई साथियों के साथ चाय नाश्ता व खाना खा कर चले जाते हैं, पैसा नहीं देते। रंगदारी में 10000 रु मासिक की मांग करते हैं। रंगदारी न देने पर फर्जी पत्रकार बनकर राष्ट्रीय स्वरूप पेपर पर व फेसबुक एवं मोबाइल पर अपमानित करने व बदनाम करने के उद्देश्य से झूठी खबरे व पोस्ट प्रकाशित करते हैं। और यह कहते हैं कि मेरा अधिकारियों में अच्छा प्रभाव है तुम्हें बदनाम कर बर्बाद कर दूंगा। सुयश एक आपराधिक प्रवृत्ति के व्यक्ति है। इनके विरुद्ध अम्बेडकर नगर, सुल्तानपुर, अयोध्या के विभिन्न न्यायालयों एवं थानो में आपराधिक मुकदमें तमाम लोगो ने कायम कराया है। इनका एक आपराधिक गैंग है। जो कभी पत्रकार बनकर कभी विभागीय अधिकारी बनकर धन वसूली करते हैं। झूठा प्रकाशन कराकर अधिकारियों पर अपना प्रभाव बनाते हैं। हमारे होटल के खिलाफ व्हाटसप व फेसबुक पर विभिन्न तिथियों में अपने मो0न0-87557XXXXX से झूठी खबरे प्रकाशित किया झूठी खबरे भेजा है। फेसबुक व व्हाटसप पर डालकर प्रार्थी के प्रतिष्ठान (स्वपनिल होटल) को बदनाम किया। सुयश ने I.T एक्ट एवं बीएनएस के तहत अपराधिक कृत्य किया है, एवं गलत सूचनाएँ प्रकाशित की है। तथा प्रार्थी के प्रतिष्ठान को बदनाम किया और प्रार्थी के प्रतिष्ठान में जबरदस्ती स्वयं एवं अपने

साथियों के जलपान किये खाना खाये और पैसा नहीं दिया तथा 10,000 ₹0 मासिक रंगदारी की मांग करते है कर्मचारियों से गली गलौज किया, तथा जान से मारने की धमकी विभिन्न तिथियों में दिया। पैरा-02 यह कि प्रार्थी ने घटना की सूचना 09/04/2025 को थाना अकबरपुर जिला अम्बेडकर नगर में दिया परन्तु कोई कार्यवाही न होने पर प्रार्थी ने दिनांक-11/04/2025 को पुलिस अधीक्षक महोदय अम्बेडकर नगर को स्वयं जाकर एवं रजिस्टर्ड डाक से सूचना दिया परन्तु कोई कार्यवाही नहीं हुआ। तब प्रार्थी मजबूर होकर श्रीमान् जी के समक्ष यह प्रार्थना पत्र प्रस्तुत कर रहा है। अतः श्रीमान् जी से प्रार्थना है कि परिस्थितियों को देखते हुये प्रथम सूचना रिपोर्ट दर्ज करने का आदेश पारित करने की कृपा की जाये। दिनांक-16/4/2025 ह0 हिन्दी पठनीय विनोद चन्द्र मिश्रा प्रार्थी विनोद चन्द्र मिश्र पुत्र स्व नरसिंह नरायन मिश्र निवासी मीरानपुर थाना अकबरपुर जिला अम्बेडकर नगर। (नोट- तहरीर की नकल मुझ हे0मो0 कौशल कुमार शुक्ला द्वारा अक्षरशः बोल-बोलकर कम्प्यूटर पर टाइप कराई गई)

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): उपनिरीक्षक/
नाम): Neha Siddharth अवर निरीक्षक

No. (सं.): 231092948 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost.
(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)



Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर /अंगूठे का निशान)

Name (नाम): Srinivas Pandey

Rank (पद): I (Inspector)

No. (सं.): 912761570

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Attachment to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण: (यदि ज्ञात / देखा गया))

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	पुरुष			-		चेचक: नहीं
2	अज्ञात			-		चेचक: नहीं
Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)	
8	9	10	11	12	13	
Language/ Dialect (भाषा/बोली)	Place of (का स्थान)				Others (अन्य)	
	Burn Mark (जले हुए का निशान)	Leucoderma (लुकोदेर्मा(सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

True copy
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FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District/Unit (जिला/इकाई): P.S. (थाना): जहाँगीरगंज Year (वर्ष): 2019
अम्बेडकर नगर

FIR No. (प्र.सू.रि. सं.): 0218

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 05/09/2019 21:20 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	सूचना प्रौद्योगिकी (संशोधन) अधिनियम 2008	66A

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Date from (दिनांक से): Date To (दिनांक तक):

Time Period (समय अवधि): Time From (समय से): Time To (समय तक):

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 05/09/2019 Time (समय): 21:20 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 045 Date and Time (दिनांक और समय): 05/09/2019 21:20 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1.

(a) Direction and distance from P.S. (थाना से दूरी और दिशा): , कि. मी. Beat No. (बीट सं.): 31

(b) Address (पता):

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): अभिषेक कन्नौजिया

(b) Father's Name (पिताका नाम): श्री हरिकिशोर चौधरी

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1984 (d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	सुतहरपारा, जहाँगीरगंज, अम्बेडकर नगर, उत्तर प्रदेश, भारत

2	स्थायी पता	सुतहरपारा, जहाँगीरगंज, अम्बेडकर नगर, उत्तर प्रदेश, भारत
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(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 0

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	सुयश मिश्रा		पिता का नाम : बिरेन्द्र कुमार मिश्रा	1. कान्डीपुर,मालीपुर,अम्बेडकर नगर,उत्तर प्रदेश,भारत

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
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12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरी हिन्दी वादी टाइप सुदा भारतीय जनता पार्टी अभिषेक कन्नौजिया

(प्रधान) जिला अध्यक्ष भाजपा अनुसूचित मोर्चा अम्बेडकरनगर निवास ग्राम व पोस्ट सुतहरपारा जिला अम्बेडकरनगर Mob 7607798008 9415718355 पत्रांक सेवा में श्रीमान पुलिस अधीक्षक महोदय अम्बेडकरनगर। 1394 दिनांक 1-9-2019 95/19 शि0प्र0 OBNO दि0 2-9-19 विषय- प्रार्थना पत्र बावत प्रार्थी की छवि धूमिल करने एवं मानसिक रूप से प्रताणित करने की साजिश रचने वाले जालसाज विपक्षी के विरुद्ध प्राथमिकी दर्ज करवा कर कार्यवाही किये जाने के सम्बन्ध में। महोदय, निवेदन है कि प्रार्थी अभिषेक कन्नौजिया पुत्र श्री डा0 हरिकिशोर चौधरी ग्राम सुतहरपारा थाना जहाँगीरगंज जनपद अम्बेडकरनगर का स्थायी निवासी है। प्रार्थी भाजपा अनुसूचित मोर्चा का जिलाध्यक्ष एवं परमेश्वर पुर ग्राम पंचायत का निर्वाचित ग्राम प्रधान है। प्रार्थी के विपक्षी सुयश मिश्रा पुत्र बीरेन्द्र कुमार मिश्रा थाना मालीपुर ग्राम कान्डीकपुर पोस्ट कटघर मुसा जनपद अम्बेडकरनगर द्वारा अपने फेसबुक एकाउंट से प्रार्थी के विरुद्ध प्रार्थी को बदनाम करने एवं प्रार्थी की छवि धूमिल करने के लिये अपनी विडियो बनाकर फेस बुक पर उसे अपलोड कर पोस्ट किया गया है जिससे प्रार्थी की छवि धूमिल हो रही है। प्रार्थी एवं उसके परिजन उक्त पोस्ट से काफी आहत है। प्रार्थी के पिता से उपरोक्त विपक्षी द्वारा वर्ष 2013 में एक बस ली थी जिसके भगतान को लेकर काफी दिनों तक प्रार्थी व उसके परिजनो को विपक्षी द्वारा परेशान किया गया उक्त बस के बकाये का भुगतान न करना पड़े इस वजह से विपक्षी सुयश मिश्रा द्वारा प्रार्थी पर मिथ्या आरोप लगाकर उसे बदनाम किया जा रहा है जबकि प्रार्थी द्वारा विपक्षी से वर्ष भर के दौरान कोई बातचीत नहीं की गयी और न ही कभी कोई काल किया गया जिससे मनगढन्त उत्पीड़न करने का आरोप लगाना निराधार है विपक्षी सुयश मिश्रा द्वारा यदि भविष्य में कोई घटना दुर्घटना कारित की जाती है उसके उत्तरदायी वे स्वयं होंगे विपक्षी द्वारा प्रार्थी एवं उसके परिजनो को फर्जी मामले में फसाने की साजिश रची जा रही है। जिससे प्रार्थी एवं उसके परिजन काफी हैरान व परेशान है। अतः निवेदन है कि उपरोक्त मामले की उच्च स्तरीय जाँच करवाते हुए प्रथम सूचना रिपोर्ट अंकित करवाकर वैधानिक कार्यवाही करने की कृपा की जाय। दिनांक संलग्नक-पूर्व में दिये गये प्रार्थना पत्रों की छाया प्रतियाँ। दिनांक 1-9-2019 (प्रार्थी) हस्ताक्षर अंग्रेजी अपठनिय अभिषेक कन्नौजिया पुत्र डा0 हरिकिशोर चौधरी ग्राम व पोस्ट सुतहरपारा थाना जहाँगीरगंज जनपद अम्बेडकरनगर मोबाइल नं0 7607798008 नोट- तहरीर की नकल हे0मो0 रामजीत यादव द्वारा बोल कर टाइप कराया गया।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. 34

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): निरीक्षक नाम): CRIME BRANCH

No. (सं.): 7839858646 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर / अंगूठे का निशान)

Name (नाम): Vivek Kumar
Verma

Rank (पद): SI (Sub-Inspector)

No. (सं.): 952669078

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

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Attachment to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण: (यदि ज्ञात / देखा गया))

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	पुरुष	1994		-		
						चेचक: नहीं

Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)
8	9	10	11	12	13

Language/ Dialect (भाषा/बोली)	Place of (का स्थान)					Others (अन्य)
	Burn Mark (जले हुए का निशान)	Leucoder ma (लुकोदेर्मा(सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District/Unit (जिला/इकाई): सुल्तानपुर P.S. (थाना): अखण्डनगर Year (वर्ष): 2020

FIR No. (प्र.सू.रि. सं.): 0014

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 15/01/2020 12:36 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भा दं सं 1860	174-A

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Date from (दिनांक से): Date To (दिनांक तक):
 Time Period (समय अवधि): Time From (समय से): Time To (समय तक):

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 15/01/2020 Time (समय): 12:18 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 025 Date and Time (दिनांक और समय): 15/01/2020 12:18 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): , कि. मी. Beat No. (बीट सं.):

(b) Address (पता): भिन्न- भिन्न,

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

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District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): प्र०नि० श्री बेंचू सिंह यादव

(b) Father's Name (पिताका नाम): स्व० भोजू यादव

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1980 (d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	थाना अखण्डनगर, अखण्डनगर, सुल्तानपुर, उत्तर प्रदेश, भारत
2	स्थायी पता	होलीपुर , सैदपुर, गाज़ीपुर, उत्तर प्रदेश, भारत

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 0

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	सुयश मिश्रा		पिता का नाम : विरेन्द्र प्रताप मिश्रा	1. कादीपुर,मालीपुर,अम्बेडकर नगर,उत्तर प्रदेश,भारत
2	समीक्षा मिश्रा		पति का नाम : सुयश मिश्रा	1. कादीपुर,मालीपुर,अम्बेडकर नगर,उत्तर प्रदेश,भारत

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर हिन्दी वादी शुदा प्रधान लेखक थाना थाना अखण्डनगर जिला सुलतानपुर सादर अवगत कराना है कि मु०अ०सं० 174/19 धारा 323,504,354,376,भा०द०वि० व 3/4पाक्सो Act व 66 Act थाना अखण्डनगर की विवेचना मुझ प्रा०नि० द्वारा की जा रही है। मुकदमा उपरोक्त में नामित अभियुक्त सुयश मिश्रा s/o विरेन्द्र प्रताप मिश्रा व समीक्षा मिश्रा w/o सुयश मिश्रा नि०गण ग्राम कादीपुर ps मालीपुर जिला अम्बेडकरनगर की गिरफ्तारी के लगातार प्रयास के बाद भी गिरफ्तार नहीं हो सके लगातार फरार चल रहे है। विवेचना के क्रम में nbw प्राप्त किया गिरफ्तार नहीं हो सके दिनांक 1.12.19 को माननीय न्यायालय से 82 CrPc प्राप्त कर तामील की गयी परन्तु अभि०गण उपरोक्त द्वारा माननीय न्यायालय के आदेश का अवमानना किया गया है। तामीला के 30 दिवस व्यतीत हो जाने के बाद भी अभि०गण सुयश मिश्रा व समीक्षा मिश्रा गिरफ्तार न किया जा सका न ही मान० न्यायालय में आत्मसर्पण किया गया। अतः अभियुक्त गणों के विरुद्ध धारा 174 A भा०द०वि० का अभियोग पंजीकृत करने का कष्ट करें। दिनांक 15/1/2020 बेंचू सिंह यादव प्रा०नि० अखण्डनगर सुलतानपुर ह०अपठनीय। नोट तहरीर की कायमी हे०मो० देवेन्द्र सिंह चौहान द्वारा करायी गयी व तहरीर की नकल मुझ म०का० बिन्दू कुमारी द्वारा अक्षरशः अंकित की गयी (तकनीकी त्रुटियों को छोड़कर)

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): उपनिरीक्षक/
नाम): Mukesh Kumar अवर निरीक्षक

No. (सं.): 152701318 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3)

Refused investigation due to (जांच के लिए): or (के कारण 4)
इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर / अंगूठे का निशान)

Name (नाम): Bechu Singh
Yadav

Rank (पद): I (Inspector)

No. (सं.): 012350924

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Attachment to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण: (यदि ज्ञात / देखा गया))

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	पुरुष	1990		-		चेचक: नहीं
2	महिला	1995		-		चेचक: नहीं

Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)
8	9	10	11	12	13

Language/ Dialect (भाषा/बोली)	Place of (का स्थान)					Others (अन्य)
	Burn Mark (जले हुए का निशान)	Leucoderma (लुकोदेर्मा(सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused. 43

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

FIRST INFORMATION REPORT

(Under Section 173 B.N.S.S)

प्रथम सूचना रिपोर्ट

(धारा 173 बी एन एस एस के तहत)

1. District/Unit (जिला/इकाई): अम्बेडकर नगर P.S. (थाना): मालीपुर Year (वर्ष): 2025

FIR No. (प्र.सू.रि. सं.): 0058

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 22/04/2025 19:35 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भारतीय न्याय संहिता (बी एन एस), 2023	308(2)
2	भारतीय न्याय संहिता (बी एन एस), 2023	351(4)

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Date from (दिनांक से): Date To (दिनांक तक):

Time Period (समय अवधि): Time From (समय से): Time To (समय तक):

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 22/04/2025 Time (समय): 19:35 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 050 Date and Time (दिनांक और समय): 22/04/2025 19:35 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): , कि. मी. Beat No. (बीट सं.): 45
- (b) Address (पता): अ0त0,
- (c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

- (a) Name (नाम): जया पाण्डेय
- (b) Father's Name (पिताका नाम): सत्यदेव पाण्डेय
- (c) Date/Year of Birth (जन्म तिथि / वर्ष): 1998 (d) Nationality (राष्ट्रीयता): भारत
- (e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

- (g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	डीधी , मालीपुर, अम्बेडकर नगर, उत्तर प्रदेश, भारत

2	स्थायी पता	डीघी , मालीपुर, अम्बेडकर नगर, उत्तर प्रदेश, भारत
---	------------	---

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-70072XXXXX

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	सुयष मिश्रा उर्फ शयुष मिश्रा		पिता का नाम : विरेन्द्र कुमार मिश्रा	1. कांदीपुर,मालीपुर,अम्बेडकर नगर,उत्तर प्रदेश,भारत

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
---------------------	--------------------------------

12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर---- फौजदारी विवाद 45012XXXXX जनता दर्शन सन्दर्भ अ0 पु0 अ0

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/क्षेत्राधिकारी थाना प्रभारी मालीपुर प्रार्थना पत्र का निस्तारण दिवस में कर आख्या भेजें अन्यथा दिनांक..... को स्वयं उपस्थित हो Register FIR हस्ताक्षर अपठनीय 22/4 मुहर पुलिस अधीक्षक अम्बेडकरनगर 22 APR 2025 सेवा में श्रीमान पुलिस अधीक्षक महोदय अम्बेडकरनगर विषय- धमकी देकर जबरदस्ती अपने खाते में लिये गये रुपये को वापस दिलाये जाने एवं प्रथम सूचना रिपोर्ट अंकित कराये जाने के सम्बन्ध में श्रीमान जी, निवेदन है कि प्रार्थिनी जया पाण्डेय पुत्री सत्यदेव पा0 निवासी ग्राम डीधी थाना मालीपुर जनपद अम्बेडकर नगर की स्थायी निवासीनी है । प्रार्थिनी अपने तलाक सुदा पति से मुकदमा लिखाते समय थाना जलालपुर में एक कथित पत्रकार सुयष मिश्रा उर्फ शयुष मिश्रा पुत्र विरेन्द्र कुमार मिश्रा निवासी ग्राम कादीपुर थाना मालीपुर जलालपुर थाने पर मिला व प्रार्थिनी से बगैर मदद मांगे जुड़ गया प्रार्थिनी से तमाम किस्म कि बातें करने लगा । उसके बाद से निरन्तर प्रार्थिनी से मोबाइल फोन से सम्पर्क करने लगा बगैर प्रार्थिनी के अनुमति के ग्रुप में जोड़ कर जेड़ लिया प्रार्थिनी के विरोध करने पर कहा कि मैंने तुम्हारे फोटो को तकनीकी रूप से नग्न करा लिया है अब तुम और तुम्हारा सारा राज कब्जे में है । सब वायरल कर के तुम्हें कही का नही छोड़ूंगा की धमकी देने लगा प्रार्थिनी धमकी से डर कर सुयष उर्फ शयुष मिश्रा कुमार के दबाव पर दिनांक 07/04/25 को 2000 08/04/25 14000 को 09/04/25 को 4000 रु0 गुगल पे के माध्यम से लिया है जिसका मोबाइल नं0 87557XXXXX इसके बाद प्रार्थिनी को धमकी दे रहा है यदि तुमने सीघ ही 30000 रुपये नही दिया तो मैं तुम्हें बर्बाद कर दूंगा कही का नहीं छोड़ूंगा वाट्सप के माध्यम से मोबाइल नं0 87557XXXXX है । विपक्षी की धमकी से तंग आकर श्री मान जी को प्रार्थना पत्र प्रेषित कर रही जिसके आधार विपक्षी के विरुध प्रथम सूचना रिपोर्ट अंकित कराकर विपक्षी से दबाव बनाकर लिए गये रुपये दिलाये जाने के आदेश दिया जाना न्यायहित में आवश्यक हो अतः श्रीमान जी से निवेदन है कि प्रार्थिनी की प्रथम सूचना रिपोर्ट अंकित कराकर विपक्षी के विरुध कानुनी कार्यवाही करते हुए रुपये वापस दिलाये जाने का आदेश देने की कृपा की जाय प्रार्थिनी ह0 जया पाण्डेय जया पाण्डेय पुत्री सत्यदेव पाण्डेय निवासी ग्राम डीधी थाना मालीपुर अम्बेडकर नगर Mob 70072XXXXX दिनांक 21/04/25 FIR मालीपुर, HM/CM सुसंगत धाराओं में अभियोग पंजीकृत करें। SD SO 22/4/25 (नोट मैं का0मुं0 विकास विश्वकर्मा प्रमाणित करता हूँ कि उपरोक्त मुकदमें की तहरीर व कायमी मेरे द्वारा अक्षरशः बोल बोल कर कम्प्यूटर पर फीड करायी गयी है।)

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. 48

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

- (1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)
- (2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): उपनिरीक्षक/ नाम): Anil kumar sharma अवर निरीक्षक
No. (सं.): 912660154 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)
- (3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)
- (4) Transferred to P.S. (थाना): District (ज़िला):
on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

Name (नाम): Ashutosh Sharma

Rank (पद): SI (Sub-Inspector)

No. (सं.): 172060039

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर / अंगूठे का निशान)

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

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Attachment to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण: (यदि ज्ञात / देखा गया))

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	पुरुष			-		
चेचक: नहीं						
Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)	
8	9	10	11	12	13	

Language/ Dialect (भाषा/बोली)	Place of (का स्थान)					Others (अन्य)
	Burn Mark (जले हुए का निशान)	Leucoder ma (लुकोदेर्मा(सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

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ECOURTS SERVICES

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Process Details



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Case Status

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Uttar Pradesh

Select District

Ambedkar Nagar

Select Court Complex

AmbedkarNagar DistrictCourt Complex

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Chief Judicial Magistrate

Case Details

Case Type	WARRANT OR SUMMONS CRIMINAL CASE		
Filing Number	7780/2025	Filing Date	21-04-2025
Registration Number	2661/2025	Registration Date	21-04-2025
CNR Number	UPAN040077802025 (Note the CNR number for future reference)		View QR Code or Cause Title
e-Filing Number		e-Filing Date	-

Case Status

First Hearing Date	16th May 2025
Next Hearing Date	16th May 2026
Case Stage	Hearing
Court Number and Judge	18-Civil Judge Senior Division FTC /ACJM

Petitioner and Advocate

1) Vinod Chandra mIshra
Advocate- Balram Dubey

Respondent and Advocate

1) Suyash Kumar mishra

Acts

Under Act(s)	Under Section(s)
Bharatiya Nagarik Suraksha Sanhita	210(1)(c)

FIR Details

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Details

Field			
Police Station	AKBARPUR		
FIR Number			
Year	0		
Case History			
Judge	Business on Date	Hearing Date	Purpose of Hearing
Civil Judge Senior Division FTC /ACJM	<u>18-02-2026</u>	16-05-2026	Hearing
Civil Judge Senior Division FTC /ACJM	<u>21-11-2025</u>	18-02-2026	Hearing
Civil Judge Senior Division FTC /ACJM	<u>21-08-2025</u>	21-11-2025	Hearing
Civil Judge Senior Division FTC /ACJM	<u>16-05-2025</u>	21-08-2025	Hearing

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Content Reviewed and Updated on: 2 January 2026

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न्यायालय ए०सी०जे०एम०/अपर सिविल जज (सी०डि०), अम्बेडकरनगर

विनोद चन्द्र मिश्र

बनाम

सुयश कुमार मिश्र

परिवाद सं०-2661/2025

थाना-को०अकबरपुर

जनपद-अम्बेडकरनगर

दिनांक-12.05.2026

1. पत्रावली पेश हुई। परिवादी के विद्वान अधिवक्ता को तलबी बहस पर सुना गया।
2. संक्षेप में प्रार्थी का कथन है कि प्रार्थी का प्रतिष्ठान स्वपनिल होटल एवं रेस्टोरेन्ट पुरानी तहसील अकबरपुर के बगल गायत्री मंदिर मार्ग पर स्थित है, जो निविवादित भूखण्ड पर स्थापित है एवं प्रतिष्ठान सम्पूर्ण मानक को पूरा करता है। प्रार्थी शासन द्वारा अनुमोदन के उपरान्त प्रतिष्ठान का संचालन करता है तथा शासन को निर्धारित शुल्क अदा करता है। प्रार्थी के प्रतिष्ठान की छवि काफी उच्च कोटि की है जिसकी शहर प्रदेश देश-विदेश में अच्छी छवि है। सुयश कुमार मिश्र एक आपराधिक एवं गुण्डा प्रवृत्ति का व्यक्ति है। इनका एक आपराधिक गिरोह है। सुयश कुमार मिश्र स्वयं व अपने गिरोह के साथ आये दिन होटल पर आकर फ्री खाना व निःशुल्क कमरा चाहते हैं और महीने में 10,000/-रुपये गुण्डा टैक्स के रूप में मांगते हैं। मांग पूरी न होने पर होटल पर मार-पीट, गाली-गुसा कर्मचारियों के साथ बराबर करते हैं। सुयश कुमार अपने को पत्रकार कहते हैं, जो पूर्णतः आधारहीन व वास्तविकता से परे तथा झूठ है। सुयश कुमार ने अपने मोबाइल नं०-8755777000 से कई तिथियाँ होटल से संबंधित झूठा खबर व्हाट्सएप, फेसबुक एवं सामाचर पत्र में प्रकाशित किया है तथा गलत सूचनाएं होटल के संबंध में अधिकारियों को लिखित रूप में दिया है। सुयश के कृत्य से होटल की छवि खराब हो रही है। अतः प्रार्थना है कि उपरोक्त मामले को संज्ञान में लेकर सुयश कुमार मिश्र को तलब कर दंडित करने की कृपा की जावे।
3. परिवादी द्वारा अपने कथनों के समर्थन में स्वयं को धारा 223 बी०एन०एस०एस० के तहत परीक्षित कराया एवं न्यायालय द्वारा धारा 225 बी०एन०एस०एस० जांच के तहत साक्षी पी.डब्लू.1 अमित बंका के रूप में एवं पी.डब्लू.2 के रूप में गोवर्धन को परीक्षित कराया है। दस्तावेजी साक्ष्य में फेसबुक स्टेट्स की छायाप्रति, अभियुक्त के विरुद्ध प्रथम सूचना रिपोर्ट की छायाप्रति, प्रार्थना पत्र अधिशाषी अधिकारी आदि प्रपत्र दाखिल की गयी है।
4. सुना तथा पत्रावली का अवलोकन किया।
5. प्रस्तुत प्रकरण में प्रस्तुत प्रकरण में परिवादी द्वारा अपने परिवाद पत्र में विपक्षी जवरन वसूली करने, होटल के प्रति झूठी सूचना प्रसारण कर प्रार्थी की छवि प्रभावित किये जाने आदि का कथन किया गया है। परिवादी द्वारा न्यायालय के समक्ष दिये गये बयान अन्तर्गत धारा 223 बी०एन०एस०एस० में विपक्षी द्वारा जवरन वसूली करने,

CS

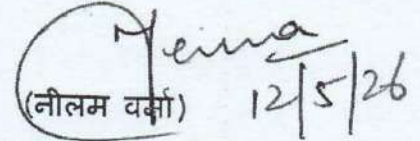
होटल के प्रति झूठी सूचना प्रसारण कर प्रार्थी की छवि प्रभावित किये जाने कथन किया है। जिसके संबंध में परिवादी द्वारा अपना बयान न्यायालय के समक्ष अन्तर्गत धारा-223 बी०एन०एस०एस० अंकित कराया गया व पी०डब्लू०-1 के रूप में अमित बंका, पी०डब्लू०-2 के रूप में गोवर्धन को न्यायालय में परीक्षित कराया गया।

माननीय उच्चतम न्यायालय द्वारा पारित विधि व्यवस्था भूषण कुमार बनाम राज्य ए०आई०आर० 2012 एस०सी० 1747 में यह मत प्रतिपादित किया गया है कि तलबी के बिन्दु पर न्यायालय को केवल प्रथम दृष्टया मामला ही देखना होता है।

6. अतः उपरोक्त समस्त विश्लेषण से विपक्षी सुयश कुमार मिश्र को धारा-356(2) व 308(2) बी०एन०एस० के अधीन दण्डनीय अपराध में विचारण हेतु तलब किये जाने का पर्याप्त आधार है।

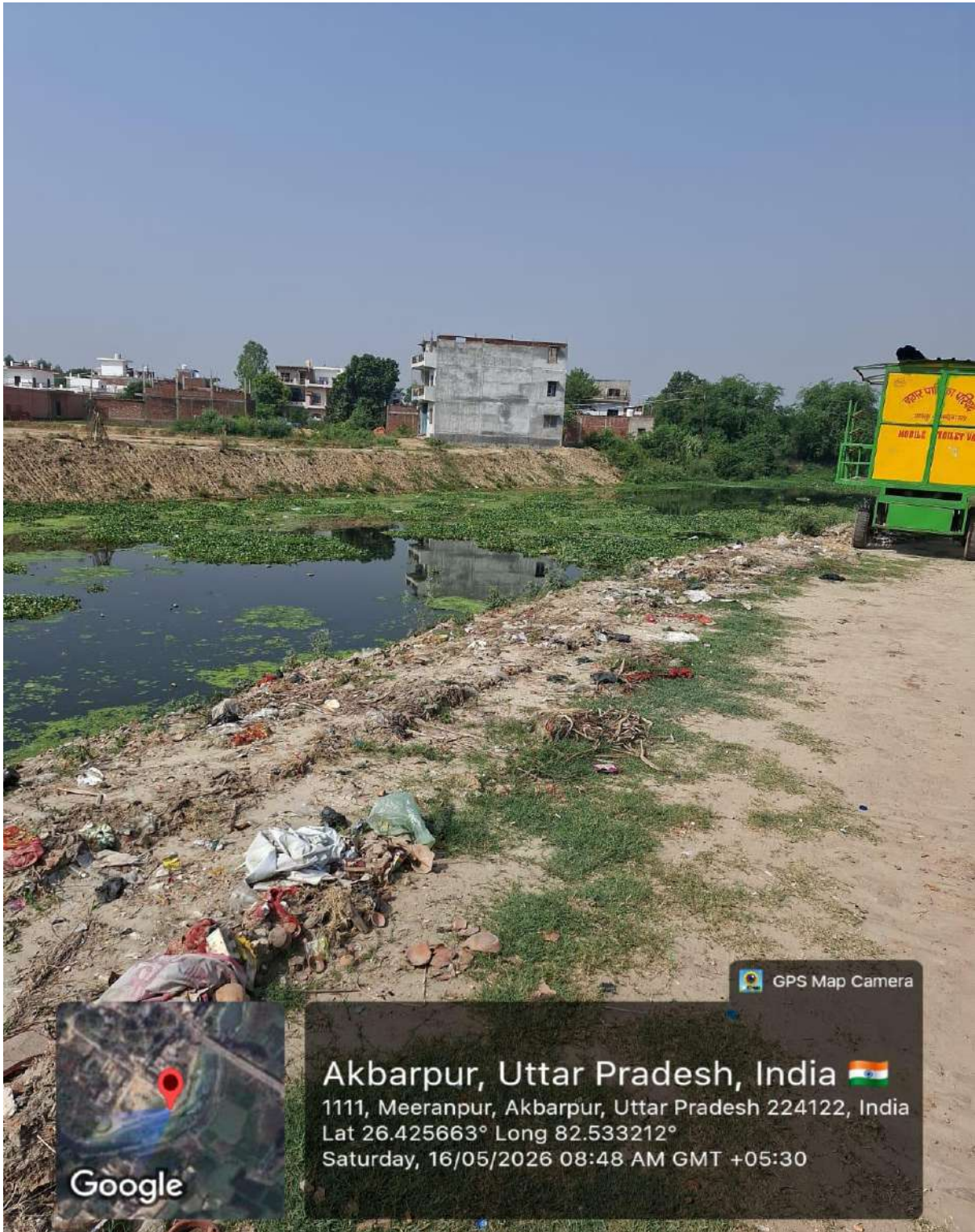
आदेश

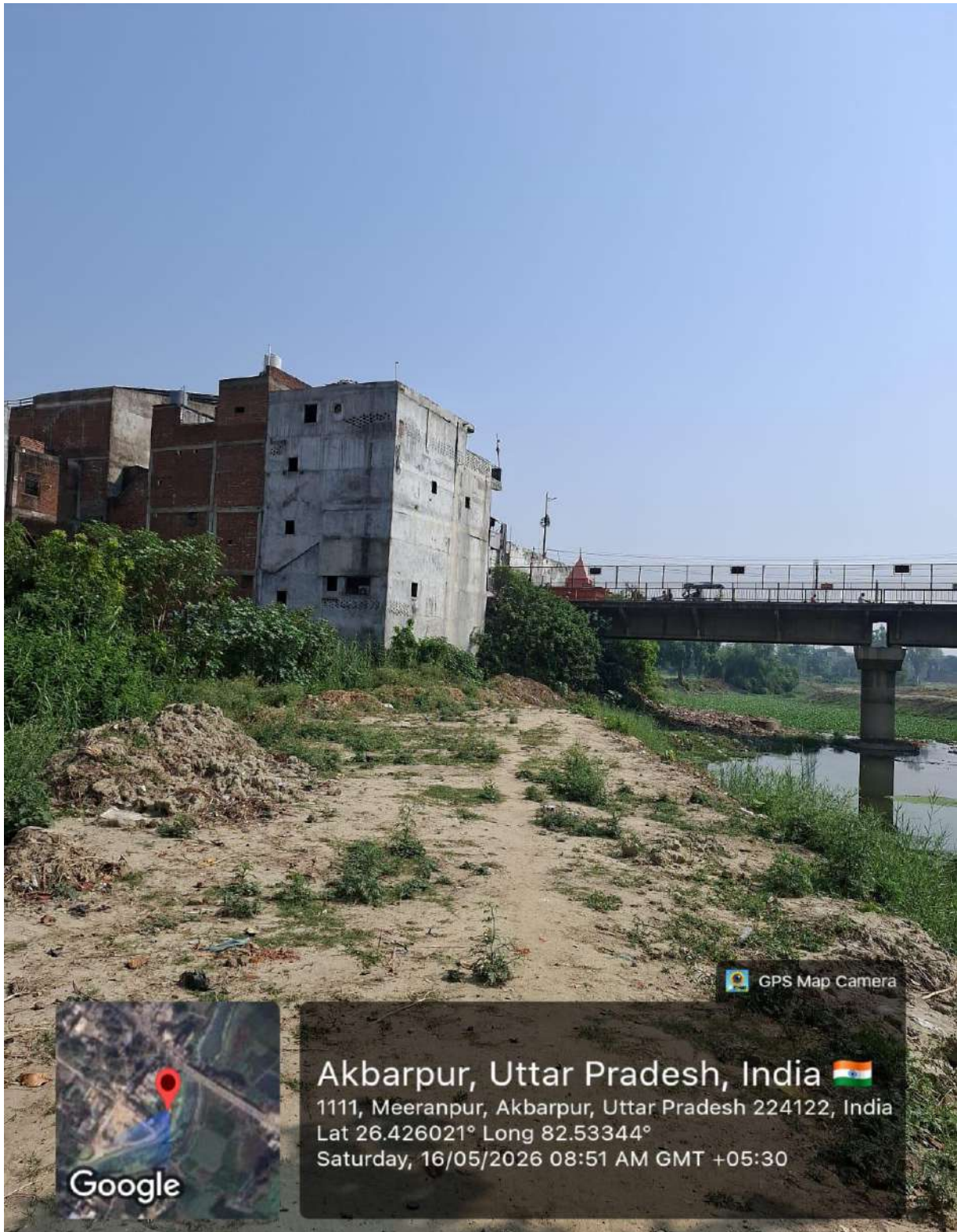
अभियुक्त सुयश कुमार मिश्र को धारा-356(2) व 308(2) बी०एन०एस० में विचारण हेतु आहूत किया जाता है। परिवादी द्वारा लिस्ट गवाहान दाखिल करने पर अभियुक्तगण के विरुद्ध सम्मन जारी हो। परिवादी पैरवी अन्दर 7 दिन करे। वास्ते हाजिरी दिनांक 16-06-2026 को पेश हो। अभियुक्त के विरुद्ध सम्मन निर्गत हो।


(नीलम वर्मा) 12/5/26

ए०सी०जे०एम०/अपर सिविल जज
(सी०डि०), अम्बेडकरनगर
जे०ओ० कोड- UP2539

True copy
[Signature]





Kalyaneshwari vs U.O.I. & Ors on 21 January, 2011

Author: Swatanter Kumar

Bench: Swatanter Kumar, K.S. Panicker Radhakrishnan, S.H. Kapadia

IN THE SUPREME COURT OF INDIA

ORIGINAL CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO. 260 OF 2004

Kalyaneshwari

...Petitioner

Versus

Union of India & Ors.

...Respondents

JUDGMENT

Swatanter Kumar, J.

1. This petition under Article 32 of the Constitution of India has been filed by the petitioner Kalyaneshwari (a registered Society), through its Chairman, with a prayer that a writ of mandamus be issued directing the Union of India and other respondent-States to immediately ban all uses of asbestos in any manner whatsoever; further that a committee of eminent specialists be constituted to frame a scheme for identification and certification of the workers/victims suffering from asbestosis or other asbestos related diseases or cancer. The petitioner also prayed that the respective Governments should be directed to identify the workers/victims in the respective States and Union Territories and to provide them due treatment as well as to take measures to prevent harmful effects of asbestos in the factories or establishments where such activity is being carried out and also to initiate criminal proceedings against all the responsible persons including the owners of such factories, organizations and associations for infringing the right to life of the asbestos victims.

2. The above writs/directions have been prayed for on the premise that petitioner, Kalyaneshwari, is a non-governmental organization, registered under the Societies Registration Act XXI of 1860. It is a voluntary organization allegedly promoted to serve the general public without distinction of caste or religion and working for the protection of consumers' interest. This Court in the case of Consumer Education and Research Centre v. Union of India [(1995) 3 SCC 42] accepted the well established adverse effects of asbestos including the risk beyond the work place and held as under:

"17. It would thus be clear that disease occurs wherever the exposure to the toxic or carcinogenic agent occurs regardless of the country, the type of industry, job title, job

assignment or location of exposure. The disease will follow the trail of the exposure and extend the chain of carcinogenic risk beyond the workplace. It is the exposure and the nature of that exposure to asbestos that determines the risk and the diseases which subsequently result. The development of the carcinogenic risk due to asbestos or any other carcinogenic agent, does not require a continuous exposure. The cancer risk does not cease when the exposure to the carcinogenic agent ceases, but rather the individual carries the increased risk for the remaining years of life..."

3. The petitioner alleges that developed countries all over the world have drastically reduced the manufacture of asbestos and some of them have even banned different types of asbestos. In India, the use of this carcinogenic material is increasing every year approximately at the rate of 12% and the petitioner drew attention of the concerned authorities towards this issue and requested them to take stringent actions, but to no effect. The World Trade Organisation considered this aspect in the EC-Asbestos case, [WT/DS135/ABR] adopted on 5th April, 2001 where its appellate body observed that available scientific data reveals that a high mortality rate persists despite the so called 'safe' use of Chrysolite Asbestos. Surveys carried out more than 30 years after the introduction of controlled use policy in United Kingdom indicate a significant increase in deaths from Lung Cancer and Mesothelioma, not only among the workers but even to the families residing nearby such plants. Citing the example of some countries and the measures being taken by different organizations, request was made for banning import, manufacture and use of asbestos and it is averred that 'controlled use' is hardly workable. It is also averred by the petitioner that in most parts of the world, there was a drastic reduction in manufacture and use of asbestos. In fact, efforts are being made to ban on use of asbestos in any form. On the contrary, in India, use of asbestos was permitted indiscriminately on the premise that its controlled use is absolutely safe. There is a large number of victims in India who are suffering from various effects of asbestos in one form or the other. The petitioner claims to have identified five hundred plus victims from five different States, namely, West Bengal, Rajasthan, Jharkhand, Andhra Pradesh and Tamil Nadu. The petitioner claims that in order to find out the exact health scenario of asbestos workers, it got 14 direct workers of an asbestos unit examined by qualified occupational health doctors and the results were shocking, inasmuch as 13 workers were suffering from asbestosis with five workers being in advanced stage. Though these workers are covered under State ESI Scheme, no proper and adequate treatment is being provided to them. Thousands of poor and ignorant people in Udaipur District in Rajasthan were engaged in asbestos mining before the Ministry of Mines decided in the year 1996 not to issue or renew any asbestos mining licenses in India. Still today, some of them are engaged in illegal mining, which they do at the instance of local asbestos products manufacturers. It is also averred by the petitioner that there is complete failure on the part of the manufacturers in providing safety equipments to workers, regular health check-up, monitoring air borne dust and maintaining health register of the workmen. The petitioner also claims to have already documented more than 500 victims suffering from asbestos related diseases from the above-noted five States and, upon examination by well-known chest specialists, they have been identified as suffering from such diseases. The cost of the treatment is quite high. First, no compensation has been paid to these victims and second, even if some compensation was paid it was too meagre to meet the expenses. All these victims are suffering for no fault of theirs but due to exposure to asbestos over which, they hardly have any control. There is no law in place which directs payment of compensation to such

victims. No medical records are being maintained to regulate the treatment of victims of Asbestosis. The carcinogenic properties of asbestos including Chrysotile or White Asbestos, are well-established and the same is a universally accepted fact. Despite overwhelming evidence, asbestos which has been banned in other countries is still being manufactured, imported and used in India and the Government has failed to take proper action which compelled the petitioner to approach this Court by filing the present Writ Petition in larger public interest as there is apparent violation of Articles 14 and 21 of the Constitution of India.

4. This petition was filed in the year 2004. Thereafter, notice has been issued to the respondents, various affidavits have been filed and the matter has been heard from time to time. One of the main objections raised by the respondents and, particularly, respondent No. 37 i.e. Asbestos Cement Product Manufacturers Association is that the present Writ Petition is an abuse of the process of the Court and has been instituted at the behest of a business rival. The petition lacks bona fide and is intended to take unnecessary advantage of the proceedings before the Court. This issue, to a large extent, has been dealt with by a Bench of the Gujarat High Court in B.K. Sharma v. Union of India, [AIR 2005 Guj 203]. Yet, the present petition has been filed with the intention of creating impediment in the establishment and running of the industrial units in various States dealing with production or manufacture of asbestos in accordance with law and without infringing any right of others whatsoever. This issue is of some significance and we shall proceed to deliberate on the same and record our conclusion at a later stage. First, we would like to deal with the merits of the case and what directions, if at all, can be issued by this Court.

5. Several States, Union Territories as well as Union of India have filed separate affidavits. In the affidavit filed on behalf of the Union of India, it is stated that the organized sector in India uses only imported variety of Chrysotile asbestos which is considered to have least harmful impact on the health of workers engaged in the manufacture of asbestos products and sufficient precautionary measures are being taken by the industry to protect the workers from excessive exposure to the hazardous impact of asbestos fibre. Meeting the contentions raised by the petitioner as aforesaid, it is submitted on behalf of the concerned respondents that only selective references have been made by the petitioner to unnecessary inflate the impact of asbestos fibre on public health. No recognition has been given by the petitioner to the strict emission norms prescribed for the industries manufacturing asbestos products by Ministry of Environment and Forest and other efforts undertaken by the Ministry have also not been referred to by the petitioner. Prescription of stringent emission norms is one of the main effort made by the concerned Ministry. The prescribed norms in the Environment (Protection) Act, 1986 are as follows :

"These standards are 2.0 mg/Nm³ of total dust and 4 fb/cc of pure asbestos material, now being revised to 0.5fb/cc. Ministry of Labour has revised the permissible work place emission norms vide notification dated April 2001 bringing it down to 1 fb/cc from 2 fb/cc. The report of WHO in this regard has been quoted out of context. In the said report it has been clearly stated that further research is required to determine the adverse impact of Asbestos Fibre on human health."

6. The asbestos product only contains 8-10% asbestos fibre and the rest is cement (50%), clay (30-35%) and fly ash, wood, pulp, etc. which are not considered harmful for human health. Even here the asbestos fibres are locked with cement matrix particles and there is no scope for its disintegration/spreading in the air in normal circumstances. Referring to the proceedings before the Calcutta High Court, the Union of India submitted that the Calcutta High Court refused to impose any ban on the manufacture and use of asbestos in Writ Petition No. 412 of 2002, copy of which has been placed on the record. It is the stand of the Union of India that the petitioner has not furnished any details of the industries which are working contrary to law and where the workers are exposed to such hazardous health conditions. It is only then that the Government can take action in accordance with law and the petition, as such, lacks specific particulars.
7. States have taken different stands in their respective affidavits. However, all of them have stated that appropriate measures are being taken to ensure working of such units in accordance with law. In the affidavit filed on behalf of the State of Kerala, it is averred that there is only one factory carrying on manufacture of asbestos cement sheets and allied products in the entire State. This factory has obtained licence under the provisions of the Factories Act. It is further pointed out that this factory was established with fully automatic fibre handling system in the year 1986. After that, no asbestos manufacturing factory has been established in the State. While referring to the judgment of this Court in the case of Consumer Education and Research Centre (supra), it is averred that strict instructions were issued to the Inspector of Factories and Boilers to take urgent steps for implementation of the directives of this Court. There is constant watch/review upon the standards of permissible exposure limit. Value of fibre/cc should be in line with the international standards and it would not exceed 0.1 fibre/cc at any time in the last three years. Some states like Himachal Pradesh, Tripura, Mizoram, Sikkim, Arunachal Pradesh and Manipur have stated that there is no asbestos factory within their territory.
8. State of Tamil Nadu in its affidavit has averred that only 13 factories which are handling Asbestos have been brought under the purview of Factories Act, 1948 out of which 3 factories are not working for the past 5 years and in the remaining 10 factories "Membrane Filter Test" is regularly being conducted and the asbestos fibre is found to be within the permissible limits. The workmen of these factories are covered under the Workmen Compensation Act/Employees State Insurance Scheme/Group Insurance of Insurance Company. Thus, their interests are well protected. State of Bihar in its affidavit has stated that presently there is no industrial unit involved in manufacturing asbestos in the State. The use of asbestos product in the State is limited and is not to an extent that the secondary user of asbestos is likely to suffer from Mesothelioma fatalities attributed to asbestos. On the contrary, it also appears from the records that there are 22 cases of asbestosis in Gujarat and three cases of Mesothelioma in Andhra Pradesh. Out of these, persons suffering from Asbestosis or other diseases in Gujarat have not been given any compensation and their cases are pending, while the three persons suffering from Mesothelioma in Andhra Pradesh have been paid the compensation. Thus, it is a matter which essentially has to invite the attention of the Court.
9. From the above narrated factual matrix, giving rise to this Public Interest Litigation, it is clear that first, the Court has to examine whether any statutory, fundamental or other right of any person is being violated and an activity which is prohibited under law is being carried out i.e. production

and manufacture of asbestos and allied products? If so, whether the Government is actively permitting such illegal activity? Second, whether in any case this Court can, in law, direct the banning of this activity, if not, what directions can be issued by the Court?

10. From the contents of the Writ Petition filed before this Court, it is clear that there is no law enacted so far which requires banning of any activity in regard to asbestos at the stage of mining, manufacture or production. Of course, there can be no doubt that uncontrolled utilization of asbestos, in any form, can be hazardous to human health. The reply affidavits filed by different States as well as Union of India clearly bring out that such activity, wherever is being carried out, is in accordance with specified parameters and under due supervision. The Writ Petition filed does not provide any data or detailed facts in relation to such uncontrolled or unauthorized activity of manufacture of asbestos being carried out in any State. Merely stating that a few hundred workers were subjected to medical examination and were found to be affected by inhalation of asbestos particles may not be sufficient for this Court to accept it as a general proposition that there is hazardous use of asbestos all over the country, particularly, in view of the fact that such activity is being carried out at the mining or industrial level in different parts of the country. This Court had the occasion to examine this matter at great length in the case of Consumer Education and Research Centre (supra) wherein it issued certain directions. Once that judgment had been pronounced, there is hardly any occasion for the petitioner to institute this Writ Petition as an independent proceeding. The petitioner has made no effort to collect any information/data from various States as to whether the directions issued by the Court in that matter are being strictly implemented or not at all. On the contrary, it is the stand of the States as well as Union of India that the directions issued by this Court are being strictly adhered to. The parameters and norms have been specified and the industries using such raw materials are being constantly watched, in relation to all the functions of the factory, specially keeping in view the environment and health status of the workers and nearby residents. Even subsequent to the filing of the present petition, the petitioner has not put in any effort to seriously rebut the averments made in various affidavits filed by the States.

11. In *Jayjit Ganguly v. Union of India*, [CWP No. 412 of 2002 decided on 15th December 2004], a Division Bench of the Calcutta High Court also noticed that there is no dispute that asbestos fibre is hazardous to health and continuous exposure to certain types of such fibre can also prove to be fatal as it does not dissolve and the same is so thin that it can be inhaled and deposited in lungs. While noticing these facts, the Court referred to the judgment of this Court in the case of Consumer Education and Research Centre (supra) and the report of the Committee appointed by the Union of India to conduct study of asbestos fibre products. Relying upon the Committee's report, the Court noticed that there was no data available to demonstrate as to what is the ratio of death directly attributable to asbestos fibre in relation to the products made available to the consumers in India. The Court, while dismissing the Writ Petition held as under:

"During the course of hearing we came to learn that in 2001 yet another Committee was constituted by the Union of India through the Ministry of Environment for the purpose of devising the method of clearance for new or expansion of asbestos based products and to evolve a policy strategy to deal with use of asbestos. We are told that the suggestions given by the said Committee have implemented by providing

stringent emission norms in terms of the Environment Protection Act, 1986 and work zone standards under the Factories Act, 1948. Therefore, it appears to us that the said committee too was involved with the matters pertaining to mining and manufacture of asbestos fibre and had no occasion to deal with the hazards of user of products manufactured from asbestos fibre. In such situation, we do not think that it would be appropriate for us to issue any direction as has been prayed for in the instant writ petition for we are unable to weigh the advantages of having asbestos based products and not having the same, in the absence of appropriate data therefore. One thing, however, is clear that a large number of small scale industries which are normally labour incentive industries are depending on asbestos as their raw material for manufacture of their end product."

12. Once the matter has been dealt with and pronounced upon by this Court by giving a detailed judgment containing directions, we see no reason for filing the present petition. However, since the Petition has been pending for a considerable time before this Court, we will prefer to discuss the merits thereof. As already noticed, there is no law banning the use of asbestos in various manufacturing processes despite its adverse effects on human health. It is not for this Court to legislate and ban an activity under relevant laws. Every factory using or manufacturing asbestos, obtains a licence under the Factories Act as well as permission from the competent authorities including permission under the Environmental Laws. Once all the laws in force have been complied with and directions of this Court as contained in the case of Consumer Education and Research Centre (supra) are carried out in their true spirit, we see no reason as to why this Court, in exercise of its extraordinary jurisdiction under Article 32 of the Constitution, should ban such an activity when admittedly large number of families are dependent upon such processes. What has to be ensured is that proper precautions are taken. The Court had already made ILO guidelines as one of the safety measures to be complied with by the industries and it is expected of each State Government and the Union Government to ensure safe and controlled use of asbestos. What is required is better supervision and regulatory control rather than banning of the activity. Lack of specific data as well as vague averments in the Writ Petition amongst others are the grounds on which we should decline to pass the mandamus prayed for. The affidavits filed by the official respondents, including Respondent No. 37, specifically point out 'safe and controlled' use of asbestos in manufacturing processes. The prayer with regard to constitution of a committee comprising of specific persons is, again, not a matter that falls within the realm of jurisdiction of this Court. It is for the expert bodies in the concerned Ministries which should regulate proper measures in this regard to ensure proper utilization of asbestos and raw materials in relation to various manufacturing activities, if they are being carried on in accordance with law and without endangering the life of the people.

13. It has been averred in one of the affidavits filed by the petitioner itself that the Government had introduced the White Asbestos (Ban on Use and Import) Bill, 2009 (hereinafter referred to as, 'the Bill'), which is pending in the Upper House. Thus, there could be no doubt that it is a matter which squarely falls in the domain of the legislature and the legislature in its wisdom has taken steps in the direction of enacting necessary law. Issuance of any direction or formulation of any further policy by this Court will obviously be a futile exercise. There could hardly be any justification for banning,

completely or partially, of the activity of manufacturing of asbestos and allied products in face of the above admitted position.

14. In the matter relating to secondary exposure of workers to asbestos, though the grounds have been taken in the Writ Petition without any factual basis, again in the Rejoinder filed to the counter affidavit of respondent No.37, this issue has been raised by the petitioner in detail. In the earlier judgment of this Court in the case of Consumer Education and Research Centre (supra), hazards arising out of primary use of asbestos were primarily dealt with, but certainly secondary exposure also needs to be examined by the Court. In that judgment, the Court had noticed that it would, thus, be clear that diseases occurred wherever the exposure to the toxic or carcinogenic agent occurs, regardless of the country, type of industry, job title, job assignment or location of exposure. The diseases will follow the trail of the exposure and extend the chain of the carcinogenic risk beyond the work place. In that judgment, the Court had also directed that a review by the Union and the States shall be made after every ten years and also as and when the ILO gives directions in this behalf consistent with its recommendations or conventions. Admittedly, 15 years has expired since the issuance of the directions by this Court. The ILO also made certain specific directions vide its resolution of 2006 adopted in the 95th session of the International Labour Conference. It introduced a ban on all mining, manufacture, recycling and use of all forms of asbestos. As already noticed, serious doubts have been raised as to whether 'controlled use' can be effectively implemented even with regard to secondary exposure. These are circumstances which fully require the concerned quarters/authorities in the Government of India as well as the State Governments to examine/review the matter in accordance with law, objectively, to achieve the greater health care of the poor strata of the country who are directly or indirectly engaged in mining or manufacturing activities of asbestos and/or allied products.

15. As already noticed above, the Government has already presented the Bill in Rajya Sabha. The statement of objects and reasons of this Bill specifically notices that the white asbestos is highly carcinogenic and it has been so reported by the World Health Organisation. In India, it is imported without any restriction while even its domestic use is not preferred by the exporting countries. Canada and Russia are the biggest exporters of white asbestos. In 2007, Canada exported 95% of the white asbestos, it mined out of which 43% was shipped to India. In view of these facts, there is an urgent need for a total ban on the import and use of white asbestos and promote the use of alternative materials. The Bill is yet to be passed but it is clearly demonstrated that the Government is required to take effective steps to prevent hazardous impact of use of asbestos.

16. In light of the above discussion, we do not see any reason to grant any of the prayers made in the Writ Petition except to the extent that we would issue the following directions while disposing of the Writ Petition:

- a. Ministry of Labour in the Union of India and Department of Industries and Labour in all the State Government shall ensure that the directions contained in the judgment of this Court in the case of Consumer Education and Research Centre (supra) are strictly adhered to;

b. In terms of the above judgment of this Court as well as reasons stated in this judgment, we hereby direct the Union of India and the States to review safeguards in relation to primary as well as secondary exposure to asbestos keeping in mind the information supplied by the respective States in furtherance to the earlier judgment as well as the fresh resolution passed by the ILO. Upon such review, further directions, consistent with law, shall be issued within a period of six months from the date of passing of this order;

c. Further we direct that if Union of India considers it proper and in public interest, after consulting the States where there are large number of asbestos industries in existence, it should constitute a regulatory body to exercise proper control and supervision over manufacturing of asbestos activities while ensuring due regard to the aspect of health care of the workmen involved in such activity. It may even constitute a Committee of such experts as it may deem appropriate to effectively prevent and control its hazardous effects on the health of the workmen;

d. The concerned authorities under the provisions of Environment (Protection) Act, 1986 should ensure that all the appropriate and protective steps to meet the specified standards are taken by the industry before or at the time of issuance of environmental clearance.

17. However, we find that it is imperative for the Court to issue the above directions in order to strike a balance between the health hazards caused by this activity on the one hand and ground reality that a large number of families, all over the country, are dependent for their livelihood on this activity, on the other. We certainly are not entering into the arena of legislature and are passing above directions in furtherance to the law laid down by this Court which, in terms of Article 141 of the Constitution, is binding on all concerned and to ensure effective and timely implementation of the provisions of the Environment (Protection) Act. These directions must be read and construed in comity with the proposed legislation and are in no way detrimental to the same.

18. Before parting with this file we have to deal with one of the main objections raised by the respondents, as noticed above, particularly, Respondent No. 37 that the present petition is a result of business rivalry and has been filed by the petitioner at the behest of other industries and the entire Writ Petition lacks bona fide and is complete abuse of process of law. The petitioner NGO claims to be a registered body under the Societies Registration Act and non-profit organization, inter alia, working for protection of the environment and other public welfare activities. It also aims at protecting various interests of the common man particularly those who have no means and/or access for redressal of their grievances. It is concerned about the health hazards to workmen resulting from manufacture and use of asbestos and, thus, it prays for complete ban on such activity. As already noticed, this petition was defended by different respondents i.e. the State Government, Union of India and Association of Asbestos Cement Product Manufacturers. In light of this objection and the material placed on record, a Bench of this Court passed the following Order on 13th August, 2010 :

"Kalyaneshwari has filed this writ petition seeking imposition of ban and payment of compensation to the industrial workers working in the manufacture, import and use of asbestos. This petition was filed as far back on 5 th May, 2004. In the case of B.K. Sharma v. Union of India the Gujarat High Court vide order dated 9th December, 2004, has made the following observation :

"36. As far as preliminary objections raised against the maintainability of the petitions are concerned, we could have thrown out the first petition, being Special Civil Application No. 14460 of 2004 but for the other two petitions on the same subject matter. Normally, multiple petitions under Public Interest Litigation, on the same subject matter are not entertained. However, the first petition does not seem to have been filed bonafide or for real and genuine public cause and it does not inspire our confidence to treat it as Public Interest Litigation in real sense. The resolution dated 15th July, 2004 was produced at the belated stage. The relationship between some of the office-bearers and members of the Board of Trustees with the personnel of Electro Steel Castings Limited is difficult to be overlooked. It, therefore, leads us to believe that the first petition is a sponsored petition. In ASHOK KUMAR PANDEY v. STATE OF WEST BENGAL and Ors. (supra), the Hon'ble Supreme Court, in no uncertain terms, has observed that "when there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, said petition is to be thrown out." Since there is business rivalry between the said ESCL and the Respondent No. 5 and since the said ESCL is in the habit of sponsoring such petitions, we do not concur with the view of the present petitioners that there is a real and genuine public interest involved in the litigation. It is difficult to believe that they have approached this court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration, as observed by the Hon'ble Supreme Court in that case."

The above observation of the High Court indicates the relationship between the NGOs and the Steel Company, whose name is quoted hereinabove.

Shri Colin Gonsalves, learned senior counsel appearing on behalf of the petitioner herein all throughout these proceedings till today, fairly states that he has looked into the matter and it would not be possible for him to appear on behalf of the petitioner in this matter any further. He further states that Advocate-on-record has also addressed a letter stating that she would not like to represent Kalyaneshwari (NGO). In the circumstances, the Registry is directed to issue notice to the petitioner informing them of the next date of hearing. The matter is made returnable on 27th August, 2010. In the meantime, we would like to know from the Central Government as to whether petitioner-NGO is on the list of NGOs maintained by the Union of India and whether the petitioner-NGO is funded by the Central Government? We request Mr. H.P. Raval, learned Additional Solicitor General to assist us as amicus in the matter. The Advocate-on-Record is given discharge. We appreciate the stand taken by Shri Colin Gonsalves in taking a fair stand in the case.

The Advocate-on-Record is given discharge. We appreciate the stand taken by Shri Colin Gonsalves in taking a fair stand in the case."

19. After passing of that order the petitioner NGO was further directed to file an affidavit explaining its conduct highlighted by Gujarat High Court in the case of B.K. Sharma (supra). In furtherance to the direction of this Court dated 27th August, 2010, B.K. Sharma, claiming to be working as Secretary of the petitioner, filed a detailed affidavit. In this affidavit, besides reiterating some of the averments made in the Writ Petition, it has been specifically averred that 'on the advice of the High Court all the three Writ Petitions were withdrawn so as to make proper representation to the Central Government to consider the objections in the petition.' Specific dispute has also been raised and it is denied that one member of the Society, namely, Shanti Swaroop has worked with the Steel Company ESCL and that only consultancy services were provided by him on part time basis and comparison of his services is sought to be made with that of lawyers and Chartered Accounts working for the company. In the affidavit filed by the petitioner in furtherance to the order of this Court dated 27th August, 2010, it is stated that B.K. Sharma was neither working as Advisor/Consultant of ESCL between November- December 2003 to March-April 2004 nor was he looking after the marketing activity of ESCL in Madhya Pradesh. It is stated that during this period he was working in Rajasthan on an important project. First, it is nowhere denied that B.K. Sharma had no connection of any kind with ESCL at any point of time; second, even in the affidavit, necessary particulars have not been given of the company or the project for which he was working in Rajasthan. Still attempt has been made to put the blame on the Gujarat High Court by stating that the Court had not appreciated the facts correctly. Other NGOs had also filed some writ petitions and as such the petition by the petitioner was bona fide. It is also averred, 'it is pertinent to mention that neither the Court nor the respondent felt the need for substantiating the allegations with evidence, which is contrary to the settled proposition of law that a person making an allegation needs to prove it'.

20. Three writ petitions had been filed in the Gujarat High Court, including one by B.K. Sharma acting on behalf of the petitioner NGO, which was petitioner No. 2, in that Writ Petition, seeking direction against the authorities to take appropriate preventive steps and measures against the Respondent No.5 M/s. Saw Pipes Ltd. in proceeding further with the construction activities of Respondent No.5's project comprising Blast Furnace and Ductile Iron/Cast Iron pipe, fittings casting manufacturing plant and foundry near Mundra, Kutch with further prayer that they be stopped from carrying on any activity and that the factory constructed should be demolished. These petitions were heard at great length by a Bench of Gujarat High Court. Ultimately, the Court recorded its findings in paragraphs 7.2, 36 & 37 of the judgment. In these findings, the Court noticed that earlier a PIL had been filed in the Madras High Court, allegedly sponsored by ESCL, against a company manufacturing the same articles. Later on that company had been taken over by ESCL and the present petition is also filed as a result of business rivalry. The Court, prima facie, recorded the finding that there is close association of B.K. Sharma with the rival company of ESCL and one Shanti Swaroop was also appointed as consultant for the NGO, who was earlier associated with ESCL. The Court finally recorded the conclusion that the petition was mala fide and was a result of collusion between the steel company and the NGO.

21. Another aspect on which the High Court recorded its adverse finding against the petitioner is that the petitioner had submitted some official documents, including noting on Government files, which were not published documents and to which the petitioner had no access. Despite directions of the Court, the petitioner had failed to disclose the source of possession of those documents. The matter did not end there as, when the true copies of the said noting/documents were produced before the Court by the Department, it came to light that certain paragraphs/portions of the notings etc. had been omitted in the documents filed by the petitioner and certified as true copies. From the record before us, it is clear that B.K. Sharma as well as Shanti Swarup had professional commitments in one form or the other either on permanent or temporary basis with ESCL. It has been stated in the affidavit filed by B.K. Sharma that three writ petitions were withdrawn on the advice of the Gujarat High Court which is hardly true. The Court had only granted liberty, while dismissing the writ petitions as withdrawn, to approach the Central Government. The Central Government had again declined to accept the representations made by the petitioners resulting in filing of writ petitions for the second time which culminated in the final judgment by the Gujarat High Court in the case of B.K. Sharma (supra).

Above was the conduct of the petitioner before the Gujarat High Court and we hardly find any improvement in its behaviour before this Court in the present litigation. Even before this Court, a judgment which has attained finality on all factual matrix and even otherwise, is attempted to be brushed aside by making irresponsible statements, inter alia, that the Gujarat High Court had failed to apply its mind. The judgment of the Gujarat High Court dismissing all the three writ petitions was challenged before this Court by way of filing Special Leave Petitions which came to be dismissed vide order dated 28th January, 2005. Thus, the judgment of the Gujarat High Court for all intent and purposes attained finality and we do not think that legality or correctness of the judgment can now be questioned in these proceedings. It is of no use and help to the petitioners now to claim that no proof was produced before that Court to establish the allegations that the petition was filed at the behest of ESCL. They were writ petitioners and the Court, after hearing the parties at length and perusing the record, has recorded the above findings which, in any case, do not suffer from any infirmity, much less, illegality so as to be disregarded by this Court. We are constrained to say that the findings recorded by the Gujarat High Court reflect the picture of the petitioner which certainly invites judicial chastisement and appropriate orders.

22. During the hearing of this Writ Petition, the Court had called upon the learned Addl. Solicitor General to find out from the concerned Ministries whether the petitioner NGO was a registered NGO and whether it was granted any financial assistance or grant-in-aid. However, vide letter dated 26th August, 2010, copy of which has been placed on record by the learned Addl. Solicitor General, it has been informed that the petitioner NGO is not recognized by any Ministry and no financial assistance has been sanctioned to it.

23. Another aspect, which has still not been clarified by the petitioner, is how the present petition came to be filed in face of the judgment of this Court in the case of Consumer Education and Research Centre (supra) and, in fact, what was the need to file it. It cannot be ignored that valuable time of this Court is consumed in dealing with such public interest litigations which are filed without proper study and data and merely on some reference to very few workmen working in an industry

and without projecting any requirement at the national level demanding the attention of this Court in treating it as a national problem. The Kerala State Human Rights Commission vide order dated 31st January, 2009 has also dealt with the same problem which does not even find a mention in the present petition and which the petitioner is expected to know as it claims to be working for the common man in this behalf. Every litigant, who approaches the Court, owes a duty to approach the Court with clean hands and disclose complete facts. A petition which lacks bona fide and is intended to settle business rivalry or is aimed at taking over of a company or augmenting the business of another interested company at the cost of closing business of other units in the garb of PIL would be nothing but abuse of the process of law.

24. Presumably, and as contended, the direct impact of banning of activities of mining/manufacturing relating to asbestos shall result in increase in demand of cast iron/ductile iron production as they are some of the suitable substitutes for asbestos. It is not in dispute that ESCL is one of the largest manufacturer of iron and allied products in India and there was a professional and/or other connections between ESCL and B.K. Sharma on the one hand and B.K. Sharma and Shanti Swarup on the other who, admittedly at present, is involved with the activities of NGO for a considerable time. Thus, it would be a reasonable conclusion to draw that the Writ Petition has been hardly filed in public interest but is a private interest litigation to give rise to business opportunities in a particular field.

25. In *Ashok Kumar Pandey v. State of West Bengal* [(2004) 3 SCC 349], this Court took a cautious approach while entertaining public interest litigations and held that public interest litigation is a weapon, which has to be used with great care and circumspection. The judiciary has to be extremely careful to see that no ugly private malice, vested interest and/or seeking publicity lurks behind the beautiful veil of public interest. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. In the case of *Rajiv Ranjan Singh Lalan v. Union of India* [(2006) 6 SCC 613], this Court reiterated the principle and even held that howsoever genuine a case brought before a Court by a public interest litigant may be, the Court has to decline its examination at the behest of a person who, in fact, is not a public interest litigant and whose bona fides and credentials are in doubt; no trust can be placed by the Court on a mala fide applicant in a public interest litigation. The Courts, while exercising jurisdiction and deciding a public interest litigation, has to take great care, primarily, for the reason that wide jurisdiction should not become a source of abuse of process of law by disgruntled litigant. Such careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose true facts and approach the Court with clean hands. Thus, it is imperative that the petitions, which are bona fide and in public interest alone, be entertained in this category. Abuse of process of law is essentially opposed to any public interest. One, who abuses the process of law, cannot be said to serve any public interest, much less, a larger public interest. In the name of the poor let the rich litigant not achieve their end of becoming richer by instituting such set of petitions to ban such activities. Besides the fact that the present petition lacks bona fides, it is also obvious that the petitioner though had prayed for complete ban on all mining and manufacturing activities but had hardly made any study or prepared statistical data in that regard. It only made reference to certain studies in foreign countries. The petitioner, claiming to be an

organization involved in the good of the common man, ought to have taken greater pains to state essential facts supported by documents in relation to Indian environment.

26. The document referred to as Ex.P9 in paragraph 36 of the Writ Petition is probably the only document which allegedly records the conditions of a few workmen in India and contains the names of a few doctors and workers. This document is neither signed by anybody nor does it give address of any workman or the industry/factory where such workman is working. It is expected of the petitioner to have made proper efforts in collection of such material before it moved this Court to treat this problem at the national level and had spent its judicial time. All the States in the country have been issued notices of this petition and they have denied the allegations. It was incumbent upon the petitioner thus to at least substantiate the averments in the petition by some cogent and documentary evidence actually related to the working conditions of the workmen in various factories in different States. In our view, the petitioner has miserably failed to discharge this onus.

27. The conduct of the petitioner before the Gujarat High Court appears to be contemptuous and certainly is an abuse of the process of the court in terms of the finding recorded by that Court which has attained finality. That petition was instituted at the behest of ESCL, while the present petition also does not demonstrate that intention of the petitioner is to achieve public interest. This Court in *Raunaq International Ltd. v. I.V.R. Constructions Ltd.* [(1999) 1 SCC 492] has clearly stated that public interest litigation should be bona fide for public good and nor merely a cloak for attaining private ends. The Court clearly enunciated the principle that previous record of public service of the litigant can also be examined by the Court. To enable the Court to strike a balance between two conflicting interests, it is important that public mischief is prevented. It appears to have been moved again at the behest of the same company and, in any case, to ultimately cause material and business gains to that or such other companies. Thus, the present petition lacks bona fide, is an abuse of the process of the Court and has been filed as a proxy litigation for the purpose of achieving private interest. This Court cannot permit such practice to prevail and it needs to be deterred at the very threshold.

28. In view of the preceding discussion in detail and its analysis, we perceive no merit in this petition, as far as prayer of the petitioner for banning of mining and manufacturing activities in asbestos or its allied products is concerned. While rejecting that prayer, we dispose of this petition with the above directions.

29. Keeping in view the conduct of the petitioner, particularly, B.K. Sharma, we hereby issue notice to him as well as the petitioner to show cause why proceedings under the Contempt of Courts Act, 1971 be not initiated against them and/or in addition/alternative, why exemplary cost be not imposed upon them. Further, we also call upon the petitioner to show cause why the Registrar, Government of NCT, Delhi be not directed to take action against them in accordance with law.

IA No.9 of 2010 in WP (C) No.260 of 2004 We find no reason to implead the applicant as a party respondent in the present petition at this stage. The IA for impleadment is dismissed.

.....CJI [S.H. Kapadia]J. [K.S. Panicker
Radhakrishnan]

.....J. [Swatanter Kumar] New Delhi January 21, 2011.

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नकल खसरा ग्राम शाहजहापुर परगना व तहसील मकरपुर जिला मकरपुर साल 14 28 सन् फसल सम्बन्धी

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रजिस्ट्रार कार्यालय
मकरपुर जिला
12-02-2014



उद्धरण खतौनी

उद्धरण क्रमांक : 216497202602359

ग्राम क्रमांक : 216497 ग्राम का नाम (परगना) : शाहजहाँपुर तहसील : अकबरपुर जनपद : अम्बेडकरनगर
फसली वर्ष : 1425-1430 (01 जुलाई, 2017 से 30 जून, 2023) भाग : 1 (1) खाता संख्या : 00079

श्रेणी : 1-क / भूमि जो संक्रमणीय भूमिधरों के अधिकार में हो।

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कृष्णचन्द्र लखमानी / मो० शास्त्रीनगर प०त० अकबरपुर अकील अहमद / मरहूम / मो० मीरानपुर अफरीन बेगम / अकील अहमद / मो० मीरानपुर उम्मेसलमा / मो० इब्राहिम / प्रतापपुर चमुखी शहनशाह हुसेन / निसार हुसेन / मीरानपुर सिकन्दरखान / निसार हुसेन / मीरानपुर मो० जहांगीर / निसार हुसेन / मीरानपुर लैलतुननिशां / निसार हुसेन / मीरानपुर महामहिम राज्यपाल महोदय उ०प्र० / .. / ..							
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कुल गाटे- एक कुल क्षेत्रफल- शून्य दशमलव तीन सात चार शून्य (हेक्टेयर) कुल भू-राजस्व - एक दो दशमलव तीन पाँच रुपये कुल अंश का क्षेत्रफल - (हेक्टेयर)

नामान्तरण / परिवर्तन का विवरण		खारिज किया गया		दर्ज किया गया		
(10) न्यायालय का नाम / कम्प्यूटरीकृत वाद संख्या अथवा आदेश संख्या / आदेश का दिनांक / नामान्तरण का आधार / डिजिटल हस्ताक्षर नाम / डिजिटल हस्ताक्षर दिनांक	(11) नाम / पिता-पति-संरक्षक-प्रबंधक का नाम / जाति कोड / आधार नं० (अन्तिम चार अंक) अथवा पैन नं० (6-9 स्थान के	(12) गाटे का खसरा नम्बर / यूनीक कोड	(13) क्षेत्रफल (हे.)	(14) नाम / पिता-पति-संरक्षक-प्रबंधक का नाम / जाति कोड / आधार नं० (अन्तिम चार अंक) अथवा पैन नं० (6-9 स्थान के अंक) / पता / जन्मतिथि (अवयस्क हेतु)	(15) गाटे का खसरा नम्बर / यूनीक कोड	(16) क्षेत्रफल (हे.)



	अंक) / पता / जन्मतिथि (अवयस्क हेतु)					
1) अन्य /2019417800910000087 /31-05-2019 /वरासत /Gautam Kumar /26-01-2026	1.1) जमीरहुसेन/ गुलामहुसेन/ मीरानपुरअकबरपुर (शेष क्षेत्रफल : -)	306/2मि(2164970306300112)	1.1) -	1.1) बेगम जहां/जमीर हुसैन/ 1.2) नजीर हुसैन/जमीर हुसैन/	306/2मि(2164970306300112)	1.1) - 1.2) -

(17) भूमि के सम्बन्ध में विचाराधीन राजस्व वाद/वादों की कम्प्यूटरीकृत संख्या :

- 1) 1419फ0 आदेशानुसार उप जिलाधिकारी महोदय अकबरपुर द्वारा परवाना अमलदरामद रणधीर ंसिह बनाम सरकार वाद सं0 18 अन्तर्गत धारा 143 ज0वि0 अधि0 मौजा शाहजहांपुर प0त0 अकबरपुर आदेश दिनांक 19-10-11 को आदेश हुआ कि ग्राम शाहजहांपुर की खतौनी 1414- 1418फ0 के खाता सं0 84 के
- 2) गाटा सं0 306/2 मि रकबा 396 वर्ग फुट को गैर कृषिक प्रयोजन यानी कृषि कार्य से इतर घोषित किया जाता है सम्बन्धित खतौनी के खाता सं0 84 के टिप्पणी कालम में अंकन हो। ह0र0का0 31-10-11/ 31-10-11
- 3) 1419फ0 न्यायालय उप जिलाधिकारी अकबरपुर अम्बे0 द्वारा परवाना अमलदरामद विनोद चन्द्र मिश्र बनाम सरकार वाद सं0 76 अन्तर्गत धारा 143ज0वि0 अधि0 मौजा शाहजहांपुर प0त0 अकबरपुर आदेश दिनांक 17-02-12 को आदेश हुआ कि ग्राम शाहजहांपुर के खतौनी वर्ष 1419-24फ0 के
- 4) खाता सं0 94 के गाटा सं0 306मि /2मि / 0.374हे0 मे से 0.022हे0 लगान मु0 0.73 है, चौहद्दी उत्तर शेष भूमि जमीर आदि दक्षिण शेष भूमि जहीर आदि पूरब शेष भूमि जमीर आदि तथा पश्चिम गायत्री मंदिर सम्पर्क मार्ग है, को गैर कृषिक प्रयोजन यानी कृषि कार्य से इतर घोषित किया जाता है। ह0र0का0
- 5) 18-02-12/ 18-02-12
- 6) 1425फ0 आदेशानुसार ना0त0 महोदय सिकन्दरपुर वाद सं0 टी 201704467011577 / 18-09-17 को आदेश हुआ कि खाता सं0 94 के गाटा सं0 306 / 2 मि / 0.374हे0 मे से रकबा 0.0020हे0 लगान परता पर नफीस हुसेन पुत्र शरीफ हुसैन नि0 मीरानपुर अकबरपुर के नाम के साथ- 2 महामहिम राज्यपाल महोदय उ0प्र0 द्वारा अधिशाषी अभियन्ता प्रान्तीय खण्ड लोक निर्माण विभाग अम्बेडकरनगर द्वारा श्री हरिकृष्ण पुत्र श्री संतराज अवर अभियन्ता प्रान्तीय खण्ड लोक निर्माण विभाग अम्बेडकरनगर का नाम जरिए बैनामा अंकित हो। ह0र0का0 30-12-17
- 7) 1426फ0 आदेशानुसार तहसीलदार न्यायिक अकबरपुर वाद सं0 02944 / 18-08-18 को आदेश हुआ कि खाता सं0 79 के गाटा सं0 306/ 2मि0 / 0.3740 हे0 में से रकबा 0.0021 हे0 लगान परता से जमीर हुसैन पुत्र गुलाम हुसैन निवासी मीरानपुर का नाम खारिज करके रामयश वर्मा पुत्र राम अवध वर्मा निवासी कटुई का नाम जरिए बैनामा अंकित हो। ह0र0का0 28-08-18
- 8) 1426फ0 आदेशानुसार ना0त0 महोदय सिकन्दरपुर वाद सं0 03382 / 19-09-18 को आदेश हुआ कि खाता सं0 79 के गाटा सं0 306 / 2 मि / 0.374हे0 मे से रकबा 18.59 वर्ग मीटर अपना सम्पूर्ण अंश से श्रीमती मोहनी देवी पत्नी दीपचन्द्र नि0 ईश्वरपुर त0 बूढनपुर जिला आजमगढ का नाम खारिज करके सुमेध कुमार जायसवाल पुत्र श्याम मनोहर जायसवाल व श्रीमती बीना जायसवाल पत्नी सुमेध कुमार जायसवाल नि0 गांधी आश्रम के सामने गांधीनगर ग्राम जौहरडीह मुरादाबाद का नाम जरिए बैनामा अंकित हो। ह0र0का0 25-09-18
- 9) 1426फ0 आदेशानुसार रा0नि0 अकबरपुर वाद सं0 0019 / 27-01-19 को आदेश हुआ कि खाता सं0 79 से मृतक शहनशाह हुसेन का नाम खारिज करके शमा पत्नी शहनशाह हुसेन व राहब खान साहिल खान तौकीर अली पुत्रगण शहनशाह हुसेन सोनम खान जौफिसा खान पुत्रीगण शहनशाह हुसेन नि0 सिपाह जौनपुर का नाम वरासतन अंकित हो।ह0र0का0 07-02-19
- 10) 1426फ0 आदेशानुसार ना0त0 महोदय सिकन्दरपुर वाद सं0 01572/ 15-05-19 को आदेश हुआ कि खाता सं0 79 के गाटा सं0 306/2मि0/0.3740 हे0 मे से रकबा 27.88 वर्ग मीटर 0.002788 हे0 लगान ह0प0 से विक्रेता जहीर हुसैन पुत्र गुलाम हुसैन निवासी मोहल्ला मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम खारिज होकर क्रेती श्रीमती श्रीमती सीमा पत्नी विनोद निवासी जगदीशपुर मुस्लिमपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम जरिये बैनामा क्रमांक 1043/2019 व बैनामा दिनांक 15/02/2019 के आधार पर सह सं0 भूमिधर दर्ज कागजात हो। ह0अ0 28-05-19
- 11) 1426फ0 आदेशानुसार रा0नि0 अकबरपुर वाद सं0 2019417800910000087/31-05-19 को आदेश हुआ कि खाता सं0 79 से मृतक जमीर हुसैन का नाम खारिज करके बेगम जहां पत्नी जमीर हुसैन व नजीर हुसैन पुत्र जमीर हुसैन का नाम वरासतन अंकित हो। ह0अ0 07-06-19
- 12) 1427फ0 आदेशानुसार ना0त0 महोदय सिकन्दरपुर वाद सं0 01572/ 27-08-19 को आदेश हुआ कि खाता संख्या 79 के गाटा संख्या 306/2मि0 0.3740 हे0 मे से रकबा 27.88 वर्ग मीटर 0.002788 हे0 से



विक्रेता जहीर हुसैन पुत्र गुलाम हुसैन निवासी मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम खारिज होकर क्रेती श्रीमती सीमा पत्नी विनोद निवासी जगदीशपुर मुस्लिमपुर के स्थान पर सुधार पत्र क्रमांक 4828/2019 व दिनांक 17/07/2019 के अनुसार क्रेती सीमा निवासी अहलादे परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम संसोधित आदेश के आधार पर अन्य खातेदारों के साथ स० स० भूमिधर दर्ज कागजात हो यह आदेश नामान्तरण आदेश दिनांक 15-05-2019 का अंग होगा। ह०अ० 04-09-19

13) 1427फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 2314/19-03-20 को आदेश हुआ कि खाता सं०- 79 के गाटा सं० 306/2मि रकबा 0.374 हे० में से 0.0020 हे० यानी 19.51 वर्गमीटर लगान हस्व परता से विक्रेता- जहीर हुसैन पुत्र गुलाम हुसैन निवासी ग्राम- मीरानपुर अकबरपुर पर० व तह० अकबरपुर जिला- अम्बेडकरनगर का नाम खारिज करके क्रेता-रणधीर सिंह पुत्र बृजेश सिंह निवासी ग्राम - लवइया पर० सुरहरपुर तह० जलालपुर जिला-अम्बेडकरनगर का नाम बैनामा के आधार पर संक्रमणीय भूमिधर दर्ज हो। ह०अ० 18-06-20

14) 1428फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 00293/20-03-20 को आदेश हुआ कि खाता सं० 79 के गाटा सं० 306/2मि/0.3740 हे० में विक्रेती श्रीमती सीमा पत्नी विनोद निवासी अहलादे परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का अपना सम्पूर्ण अंश रकबा 0.002788हे० व जहीर हुसैन पुत्र गुलाम हुसैन निवासी मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर के हिस्से से मात्र रकबा 0.001395 हे० खारिज होकर क्रेती श्रीमती बेगम जहाँ पत्नी जमीर हुसैन निवासी मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम जरिये बैनामा क्रमांक 7469/2019 व बैनामा दिनांक 26/12/2019 के आधार पर सह स० भूमिधर दर्ज कागजात हो। ह०अ० 06-07-20

15) 1428फ० आदेशानुसार ना०त० महोदय अकबरपुर वाद सं० 00524/22-06-20 को आदेश हुआ कि खाता सं०-79 के गाटा संख्या-306/2मि/0.3740हे० में अपने हिस्से से मात्र रकबा 0.004461हे० लगान परता से विक्रेता जहीर हुसैन पुत्र स्व० गुलाम हुसैन निवासी ग्राम-मीरानपुर अकबरपुर परगना व तह०-अकबरपुर, जिला-अम्बेडकरनगर का नाम खारिज होकर क्रेता मो० आजम पुत्र स्व० मो० असलम निवासी ग्राम- मीरानपुर अकबरपुर परगना व तह०-अकबरपुर, जिला- अम्बेडकरनगर का नाम पंजीकृत विक्रय लेखपत्र संख्या-544 दिनांक 27.01.2020 के आधार पर सहसंक्रमणीय भूमिधर दर्ज हो। ह०अ० 06-07-20

16) 1428फ० आदेशानुसार तहसीलदार महोदय अकबरपुर वाद सं० 05141/10-07-20 को आदेश हुआ कि खाता सं०-79 के गाटा सं० 306/2मि रकबा 0.374 हे० में से 48.80 वर्गमीटर लगान हस्व परता से विक्रेता-बेगम जहाँ पत्नी जमीर हुसैन व नजीर हुसैन पुत्र जमीर हुसैन निवासी ग्राम- मीरानपुर अकबरपुर पर० व तह० अकबरपुर जिला- अम्बेडकरनगर का नाम खारिज करके क्रेता- मुरता देवी पत्नी रामयश वर्मा निवासी ग्राम कटुई पर० व तह० अकबरपुर जिला-अम्बेडकरनगर का नाम बैनामा के आधार पर संक्रमणीय भूमिधर दर्ज हो। ह०अ० 14-07-20

17) 1428फ० आदेशानुसार तहसीलदार न्यायिक महोदय अकबरपुर वाद सं० 02309/28-07-20 को आदेश हुआ कि खाता सं० 79 के गाटा संख्या 306/2मि/0.3740हे०, में से रकबा 0.0033हे०, लगान हस्व परता से विक्रेतागण सिकन्दर खान, मो० जहाँगीर पुत्रगण निसार हुसैन, व लैलतुननिशा पत्नी निसार हुसैन, निवासीगण ग्राम मीरानपुर, परगना व तहसील अकबरपुर जिला अम्बेडकरनगर, व शमा पत्नी शहनशाह हुसैन, साहिल खान, तौकीर अली, राहिल खान पुत्रगण शहनशाह हुसैन, व सोनम खान, जौफिया खान पुत्रीगण शहनशाह हुसैन, निवासीगण 219, सिपाह जनपद जोनपुर का नाम खारिज होकर क्रेता प्रमोद कुमार पुत्र रामशंकर, निवासी ग्राम गौहन्ना, परगना व तहसील अकबरपुर जिला अम्बेडकरनगर, का नाम पंजीकृत विक्रय लेखपत्र संख्या 2616 दिनांक 30.04.2019 के आधार पर संक्रमणीय भूमिधर दर्ज कागजात हो। ह०अ० 22-08-20

18) 1429फ० आदेशानुसार रा०नि० अकबरपुर क०आ०सं० 6977/26-03-22 को आदेश हुआ कि खाता सं० 79 से जहीर हुसैन का नाम खारिज करके जाहेदा बेगम पत्नी जहीर हुसैन व सादिक हुसैन पुत्र जहीर हुसैन व आबिद हुसैन पुत्र जहीर हुसैन नि० मीरानपुर अकबरपुर का नाम वरासतन अंकित हो। 16-04-22

(18) बंधक/बंधक-मुक्त होने की स्थिति

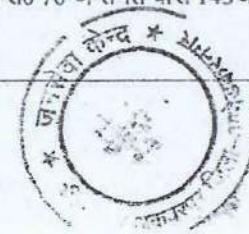
(18.1) बंधक होने की स्थिति (संस्था अथवा बैंक का नाम/कोड/बंधक का दिनांक/धनराशि/आवेदन संख्या/खातेदार(पिता-पति-संरक्षक)) :

(18.2) बंधक-मुक्त होने की स्थिति (संस्था अथवा बैंक का नाम/कोड/बंधक-मुक्त का दिनांक/धनराशि/आवेदन संख्या/खातेदार(पिता-पति-संरक्षक)) :

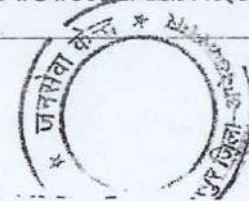
(19) अभ्युक्ति :

पूर्व आदेशों का विवरण

- 1) 1419फ० आदेशानुसार उप जिलाधिकारी महोदय अकबरपुर द्वारा परवाना अमलदरामद रणधीर ंसिह बनाम सरकार वाद सं० 18 अन्तर्गत धारा 143 ज०वि० अधि० मौजा शाहजहांपुर प०त० अकबरपुर आदेश दिनांक 19-10-11 को आदेश हुआ कि ग्राम शाहजहांपुर की खतौनी 1414- 1418फ० के खाता सं० 84 के
- 2) गाटा सं० 306/2 मि रकबा 396 वर्ग फुट को गैर कृषिक प्रयोजन यानी कृषि कार्य से इतर घोषित किया जाता है सम्बन्धित खतौनी के खाता सं० 84 के टिप्पणी कालम में अंकन हो। ह०र०का०अ० 31-10-11/ 31-10-11
- 3) 1419फ० न्यायालय उप जिलाधिकारी अकबरपुर अम्बे० द्वारा परवाना अमलदरामद विनोद चन्द्र मिश्र बनाम सरकार वाद सं० 76 अन्तर्गत धारा 143ज०वि० अधि० मौजा शाहजहांपुर प०त० अकबरपुर आदेश दिनांक 17-02-12 को आदेश हुआ कि ग्राम शाहजहांपुर के खतौनी वर्ष 1419-24फ० के


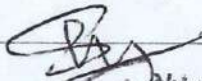



- 4) खाता सं० 94 के गाटा सं० 306मि/2मि/0.374हे० मे से 0.022हे० लगान मु० 0.73 है, चौहद्दी उत्तर शेष भूमि जमीर आदि दक्षिण शेष भूमि जहीर आदि पूरब शेष भूमि जमीर आदि तथा पश्चिम गायत्री मंदिर सम्पर्क मार्ग है, को गैर कृषिक प्रयोजन यानी कृषि कार्य से इतर घोषित किया जाता है। ह०र०का०
- 5) 18-02-12/ 18-02-12
- 6) 1425फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० टी 201704467011577 / 18-09-17 को आदेश हुआ कि खाता सं० 94 के गाटा सं० 306 / 2 मि / 0.374हे० मे से रकबा 0.0020हे० लगान परता पर नफीस हुसेन पुत्र शरीफ हुसेन नि० मीरानपुर अकबरपुर के नाम के साथ- 2 महामहिम राज्यपाल महोदय उ०प्र० द्वारा अधिशाषी अभियन्ता प्रान्तीय खण्ड लोक निर्माण विभाग अम्बेडकरनगर द्वारा श्री हरिकृष्ण पुत्र श्री संतराज अवर अभियन्ता प्रान्तीय खण्ड लोक निर्माण विभाग अम्बेडकरनगर का नाम जरिए बैनामा अंकित हो। ह०र०का० 30-12-17
- 7) 1426फ० आदेशानुसार तहसीलदार न्यायिक अकबरपुर वाद सं० 02944 / 18-08-18 को आदेश हुआ कि खाता सं० 79 के गाटा सं० 306/ 2मि० / 0.3740 हे० में से रकबा 0.0021 हे० लगान परता से जमीर हुसैन पुत्र गुलाम हुसैन निवासी मीरानपुर का नाम खारिज करके रामयश वर्मा पुत्र राम अवध वर्मा निवासी कटुई का नाम जरिए बैनामा अंकित हो। ह०र०का० 28-08-18
- 8) 1426फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 03382 / 19-09-18 को आदेश हुआ कि खाता सं० 79 के गाटा सं० 306 / 2 मि / 0.374हे० मे से रकबा 18.59 वर्ग मीटर अपना सम्पूर्ण अंश से श्रीमती मोहनी देवी पत्नी दीपचन्द्र नि० ईश्वरपुर त० बूढनपुर जिला आजमगढ का नाम खारिज करके सुमेध कुमार जायसवाल पुत्र श्याम मनोहर जायसवाल व श्रीमती बीना जायसवाल पत्नी सुमेध कुमार जायसवाल नि० गांधी आश्रम के सामने गांधीनगर ग्राम जौहरडीह मुरादाबाद का नाम जरिए बैनामा अंकित हो। ह०र०का० 25-09-18
- 9) 1426फ० आदेशानुसार रा०नि० अकबरपुर वाद सं० 0019 / 27-01-19 को आदेश हुआ कि खाता सं० 79 से मृतक शहनशाह हुसैन का नाम खारिज करके शमा पत्नी शहनशाह हुसैन व राहिब खान साहिल खान तौकीर अली पुत्रगण शहनशाह हुसैन सोनम खान जौफिसा खान पुत्रीगण शहनशाह हुसैन नि० सिपाह जौनपुर का नाम वरासतन अंकित हो।ह०र०का० 07-02-19
- 10) 1426फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 01572/ 15-05-19 को आदेश हुआ कि खाता सं० 79 के गाटा सं० 306/2मि०/0.3740 हे० मे से रकबा 27.88 वर्ग मीटर 0.002788 हे० लगान ह०प० से विक्रेता जहीर हुसैन पुत्र गुलाम हुसैन निवासी मोहल्ला मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम खारिज होकर क्रेती श्रीमती श्रीमती सीमा पत्नी विनोद निवासी जगदीशपुर मुस्लिमपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम जरिये बैनामा क्रमांक 1043/2019 व बैनामा दिनांक 15/02/2019 के आधार पर सह स० भूमिधर दर्ज कागजात हो। ह०अ० 28-05-19
- 11) 1426फ० आदेशानुसार रा०नि० अकबरपुर वाद सं० 2019417800910000087/31-05-19 को आदेश हुआ कि खाता सं० 79 से मृतक जमीर हुसैन का नाम खारिज करके बेगम जहां पत्नी जमीर हुसैन व नजीर हुसैन पुत्र जमीर हुसैन का नाम वरासतन अंकित हो। ह०अ० 07-06-19
- 12) 1427फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 01572/ 27-08-19 को आदेश हुआ कि खाता संख्या 79 के गाटा संख्या 306/2मि० 0.3740 हे० मे से रकबा 27.88 वर्ग मीटर 0.002788 हे० से विक्रेता जहीर हुसैन पुत्र गुलाम हुसैन निवासी मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम खारिज होकर क्रेती श्रीमती सीमा पत्नी विनोद निवासी जगदीशपुर मुस्लिमपुर के स्थान पर सुधार पत्र क्रमांक 4828/2019 व दिनांक 17/07/2019 के अनुसार क्रेती सीमा निवासी अहलादे परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम संसोधित आदेश के आधार पर अन्य खातेदारों के साथ स० स० भूमिधर दर्ज कागजात हो यह आदेश नामान्तरण आदेश दिनांक 15-05-2019 का अंग होगा। ह०अ० 04-09-19
- 13) 1427फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 2314/19-03-20 को आदेश हुआ कि खाता सं०- 79 के गाटा सं० 306/2मि रकबा 0.374 हे० में से 0.0020 हे० यानी 19.51 वर्गमीटर लगान हस्व परता से विक्रेता- जहीर हुसैन पुत्र गुलाम हुसैन निवासी ग्राम- मीरानपुर अकबरपुर पर० व तह० अकबरपुर जिला- अम्बेडकरनगर का नाम खारिज करके क्रेता-रणधीर सिंह पुत्र बृजेश सिंह निवासी ग्राम - लवइया पर० सुरहरपुर तह० जलालपुर जिला-अम्बेडकरनगर का नाम बैनामा के आधार पर संक्रमणीय भूमिधर दर्ज हो। ह०अ० 18-06-20
- 14) 1428फ० आदेशानुसार ना०त० महोदय सिकन्दरपुर वाद सं० 00293/20-03-20 को आदेश हुआ कि खाता सं० 79 के गाटा सं० 306/2मि०/0.3740 हे० मे विक्रेती श्रीमती सीमा पत्नी विनोद निवासी अहलादे परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का अपना सम्पूर्ण अंश रकबा 0.002788हे० व जहीर हुसैन पुत्र गुलाम हुसैन निवासी मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर के हिस्से से मात्र रकबा 0.001395 हे० खारिज होकर क्रेती श्रीमती बेगम जहाँ पत्नी जमीर हुसैन निवासी मीरानपुर अकबरपुर परगना व तहसील अकबरपुर जनपद अम्बेडकरनगर का नाम जरिये बैनामा क्रमांक 7469/2019 व बैनामा दिनांक 26/12/2019 के आधार पर सह स० भूमिधर दर्ज कागजात हो। ह०अ० 06-07-20
- 15) 1428फ० आदेशानुसार ना०त० महोदय अकबरपुर वाद सं० 00524/22-06-20 को आदेश हुआ कि खाता सं०-79 के गाटा संख्या-306/2मि०/0.3740हे० में अपने हिस्से से मात्र रकबा 0.004461हे० लगान परता से विक्रेता जहीर हुसैन पुत्र स्व० गुलाम हुसैन निवासी ग्राम-मीरानपुर अकबरपुर परगना व तह०-अकबरपुर, जिला-अम्बेडकरनगर का नाम खारिज होकर क्रेता मो० आजम पुत्र स्व० मो० असलम निवासी ग्राम- मीरानपुर अकबरपुर परगना व तह०-अकबरपुर, जिला- अम्बेडकरनगर का नाम पंजीकृत विक्रय लेखपत्र संख्या-544 दिनांक 27.01.2020 के आधार पर सहसंक्रमणीय भूमिधर दर्ज हो। ह०अ० 06-07-20
- 16) 1428फ० आदेशानुसार तहसीलदार महोदय अकबरपुर वाद सं० 05141/10-07-20 को आदेश हुआ कि खाता सं०-79 के गाटा सं० 306/2मि रकबा 0.374 हे० में से 48.80 वर्गमीटर लगान हस्व परता से विक्रेता-बेगम जहां पत्नी जमीर हुसैन व नजीर हुसैन पुत्र जमीर हुसैन निवासी ग्राम- मीरानपुर अकबरपुर पर० व तह० अकबरपुर जिला- अम्बेडकरनगर का नाम खारिज करके क्रेता- मुरता देवी पत्नी रामयश वर्मा निवासी ग्राम कटुई पर० व तह० अकबरपुर जिला-अम्बेडकरनगर का नाम बैनामा के आधार पर संक्रमणीय भूमिधर दर्ज हो। ह०अ० 14-07-20
- 17) 1428फ० आदेशानुसार तहसीलदार न्यायिक महोदय अकबरपुर वाद सं० 02309/28-07-20 को आदेश हुआ कि खाता सं० 79 के गाटा संख्या 306/2मि०/0.3740हे०, में से रकबा 0.0033हे०, लगान हस्व परता



से विक्रेतागण सिकन्दर खान, मो० जहांगीर पुत्रगण निसार हुसेन, व लैलतुननिशा पत्नी निसार हुसेन, निवासीगण ग्राम मीरानपुर, परगना व तहसील अकबरपुर जिला अम्बेडकरनगर, व शमा पत्नी शहनशाह हुसेन, साहिल खान, तौकीर अली, राहिल खान पुत्रगण शहनशाह हुसेन, व सोनम खान, जौफिया खान पुत्रीगण शहनशाह हुसेन, निवासीगण 219, सिपाह जनपद जौनपुर का नाम खारिज होकर क्रेता प्रमोद कुमार पुत्र रामशंकर, निवासी ग्राम गौहन्ना, परगना व तहसील अकबरपुर जिला अम्बेडकरनगर, का नाम पंजीकृत विक्रय लेखपत्र संख्या 2616 दिनांक 30.04.2019 के आधार पर संक्रमणीय भूमिधर दर्ज कागजात हो।
ह०अ० 22-08-20

18) 1429फ० आदेशानुसार रा०नि० अकबरपुर क०आ०सं० 6977/26-03-22 को आदेश हुआ कि खाता सं० 79 से जहीर हुसेन का नाम खारिज करके जाहेदा बेगम पत्नी जहीर हुसेन व सादिक हुसेन पुत्र जहीर हुसेन व आबिद हुसेन पुत्र जहीर हुसेन नि० मीरानपुर अकबरपुर का नाम वरासतन अंकित हो। 16-04-22

<p>Data Digitally Signed by: Gautam Kumar</p> <p>उपरोक्त उद्घरण खतोनी का वेरीफिकेशन http://upbhulekh.gov.in Website पर जाकर किया जा सकता है।</p> 	<p>सक्षम अधिकारी: तहसील: अकबरपुर जनपद: अम्बेडकरनगर दिनांक एवं समय: 12-02-2026 12:42:58 ① यह उद्घरण खतोनी इलेक्ट्रॉनिक डिलीवरी सिस्टम द्वारा तैयार की गयी है तथा डाटा डिजीटल हस्ताक्षर द्वारा हस्ताक्षरित है।</p>	<p>जारीकर्ता सी.एस.सी / लोकवाणी केन्द्र- नाम: वयम जन सेवा केन्द्र, सरवर हुसेन, केन्द्र प्रभारी पता: 08, Ward 08, अकबरपुर, अकबरपुर, अकबरपुर</p>  
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कार्यालय अधिशासी अभियंता
सिंचाई खंड, टांडा
जनपद अंबेडकर नगर, उत्तर प्रदेश- 224190

पत्रांक: 736/लघु सिंचाई खंड/अंबेडकर नगर/दिनांक 13/02/2026

विषय: सुरक्षा क्षेत्र संबंधी सूचना

सेवा में,
होटल स्वप्निल
पुरानी तहसील तिराहा
अकबरपुर, अंबेडकर नगर-224122

महोदय,

उपरोक्त विषयक आपके पत्र दिनांक 13/02/2026 के संदर्भ में अवगत कराना है कि जनपद अंबेडकर नगर के विकास खंड टांडा, उत्तर प्रदेश लघु सिंचाई विभाग के अभिलेखों के अनुसार उक्त भूमि बाढ़ग्रस्त क्षेत्रों की श्रेणी में नहीं आती है। यह सुरक्षा क्षेत्र की श्रेणी में आती है।

धन्यवाद।

सादर,

K. Shukla

(कमला शकर)
लघु सिंचाई विभाग,
अंबेडकर नगर

SA
13/02/26

True copy
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न्यायालय उपजिला मजिस्ट्रेट अकबरपुर अम्बेडकरनगर।

सरकार

बनाम

विनोद कुमार मिश्रा।

वाद संख्या टी 467/2002

धारा 133 दं0प्र0सं0

ग्राम शाहजहाँपुर अकबरपुर

थाना अकबरपुर, अम्बेडकरनगर।

निर्णय

प्रस्तुत वाद की कार्यवाही तहसीलदार अकबरपुर द्वारा प्रेषित आख्या दिनांक 10.06.2012 के आधार पर आरम्भ हुई। तहसीलदार अकबरपुर द्वारा अपनी आख्या में अवगत कराया गया है कि लेखपाल क्षेत्र शहजादपुर परगना व तहसील अकबरपुर जिला अम्बेडकरनगर में अकबरपुर से शाहजहाँपुर चलने पर पुल से लगभग 50 मीटर की दूरी पर टोन्स नदी से 45 मीटर की दूरी पर 50 फिट लम्बा एवं 30 फिट चौड़ा श्री विनोद मिश्रा पुत्र नरसिंहनरायन मिश्रा द्वारा निर्माण कराया जा रहा है। इस निर्माण के हो जाने पर नदी का प्रवाह अत्यन्त संकुचित दायरे में आ जायेगा, जिससे एक दिशा में बाढ़ आ सकती है, जिससे लगभग 200 से लेकर 300 मीटर की लम्बाई में उपजने वाले फसल तथा किनारे बसे गाँव व घर बाढ़ की सीमा में आ सकते हैं, जिससे धनहानि जनहानि की सम्भावना से इन्कार नहीं किया जा सकता है। तहसीलदार अकबरपुर की आख्या के आधार पर न्यायालय द्वारा सशर्त आदेश दिनांक 11.06.2012 जारी किया गया था। विपक्षी सशर्त आदेश की प्रति प्राप्त होने के बावजूद न्यायालय उपस्थित नहीं आये। इस न्यायालय द्वारा दिनांक 29.05.2014 को सशर्त आदेश दिनांक 11.06.2012 अन्तिम किया जाता है आदेश पारित किया गया, जिसके विरुद्ध विपक्षी विनोद मिश्रा द्वारा छुब्ध होकर न्यायालय अपर सत्र न्यायधीश अम्बेडकरनगर में वाद संस्थित की गयी तदुपरान्त माननीय न्यायालय द्वारा प्रस्तुत निगरानी स्वीकार करते हुए निर्देशित किया गया कि विद्वान अवर न्यायालय द्वारा पारित आछेपित दिनांकित 29.05.2014 अपास्त किया जाता है। अवर न्यायालय को निर्देशित किया जाता है कि उपरोक्त निर्णय के आलोक में निगरानी (द्वितीय पक्ष) को सुनवाई का अवसर देते हुए पुनः नये सिरे से विधि अनुसार आदेश पारित करना सुनिश्चित करें। सशर्त आदेश दिनांक 28.12.2016 वापस लिया जाना उचित प्रतीत होता है।

तत्पश्चात विपक्षी को नोटिस जारी किया गया विपक्षी हाजिर न्यायालय होकर दिनांक 27.03.2017 को अपना बयान इन्कारी दर्ज कराया दिनांक 15.05.2017 को तहसीलदार अकबरपुर से आख्या प्राप्त करने हेतु पत्र प्रेषित किया गया तहसीलदार अकबरपुर द्वारा नायब तहसीलदार अकबरपुर से मौके की जाँच कराई गयी जाँच में यह उल्लिखित किया गया कि नदी अभिलेखों के अनुसार उक्त गाटे से सटी हुई है तथा इनका निर्माण उक्त



गाटे से लगभग 80फिट दूरी पर निर्मित है। अभिलेखीय साक्ष्यों के आधार पर इनका निर्माण अपने बैनामे की जमीन पर है तथा नदी इनके निर्माण से लगभग 80 फिट की दूरी पर स्थित है। अतः इनके द्वारा अवरोधक का कोई कार्य किया गया है ऐसा अभिलेखों एवं भौतिक रूप से प्रतीत नहीं होता है।

अतः इनके निर्माण कार्य से नदी का जलप्रवाह अवरुद्ध नहीं होगा ऐसा प्रतीत नहीं होता है। भौतिक रूप से नदी विनोद मिश्रा के निर्माण स्थल से लगभग 80 फिट दूरी पर इस समय बह रही हैं।

विपक्षी के विद्वान् अधिवक्ता के तर्कों को सुना गया तथा पत्रावली का अवलोकन किया गया। विपक्षी के अधिवक्ता द्वारा प्रस्तुत तर्कों व अभिलेखों के आधार पर वर्तमान समय में गाटा संख्या 306/2 नदी से सटा हुआ है तथा इसी गाटे में विनोद मिश्रा द्वारा नदी से दूर वाले सिरे पर बैनामा लेकर निर्माण किया गया है। विनोद मिश्रा का निर्माण नदी से लगभग 80फीट की दूरी पर निर्मित है, मकान निर्माण से नदी का प्रवाह अवरुद्ध नहीं हो रहा है। ऐसी स्थिति में अब वाद को और आगे चलाये जाने का औचित्य प्रतीत नहीं होता है।

आदेश

अतः आदेश हुआ कि इस न्यायालय द्वारा जारी स्मार्त आदेश दिनांक — 11. 06.2012 वापस लिया जाता है। वाद आक्षेपक कार्यवाही पत्रावली संचित अभिलेखागार हो।



Awad
उप जिला मजिस्ट्रेट,
अकबरपुर, अम्बेडकरनगर।

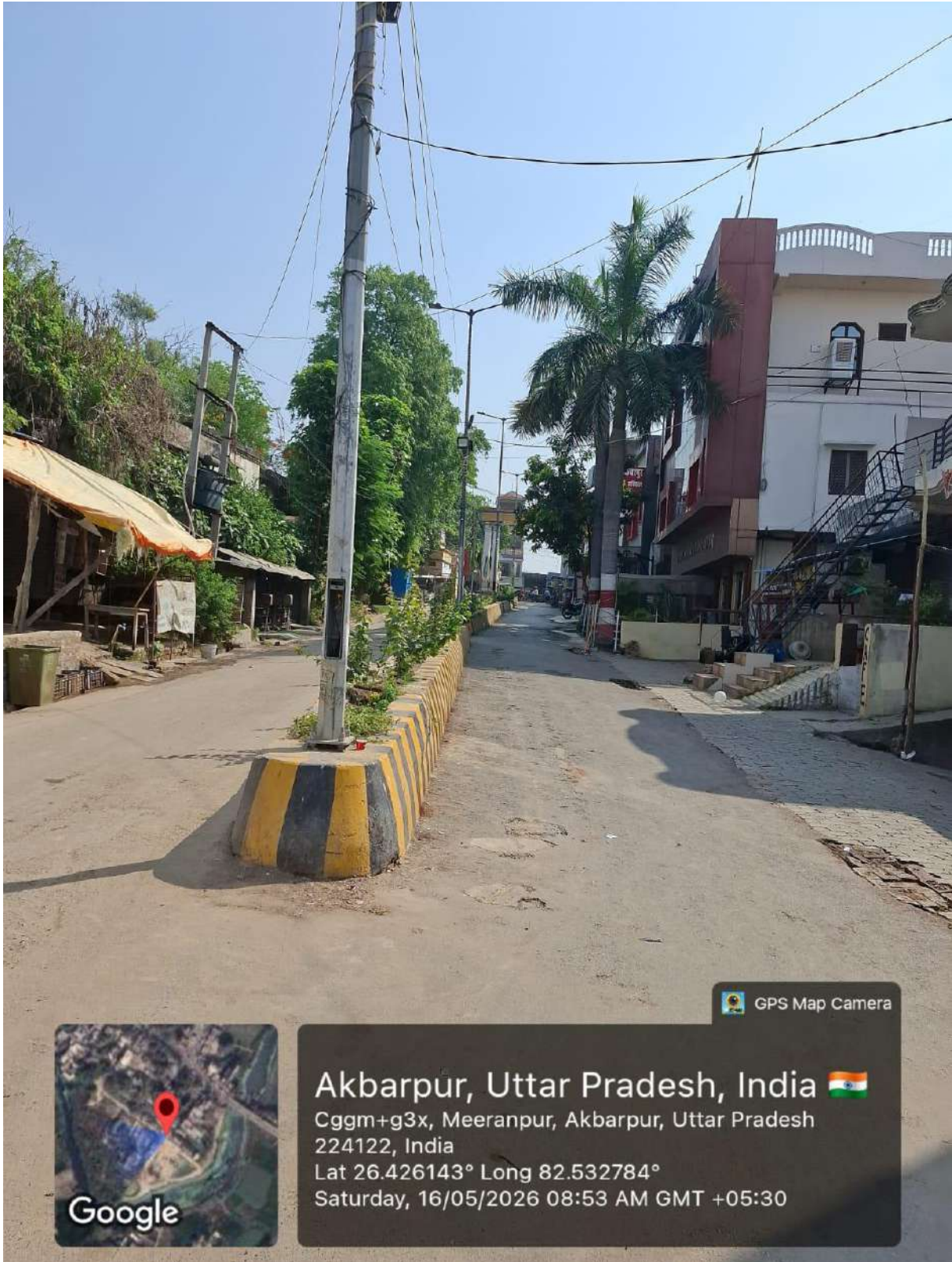
उक्त आदेश आज दिनांक 08.01.2018 को हस्ताक्षरित, मुद्रांकित कर खुले न्यायालय में सुनाया गया।

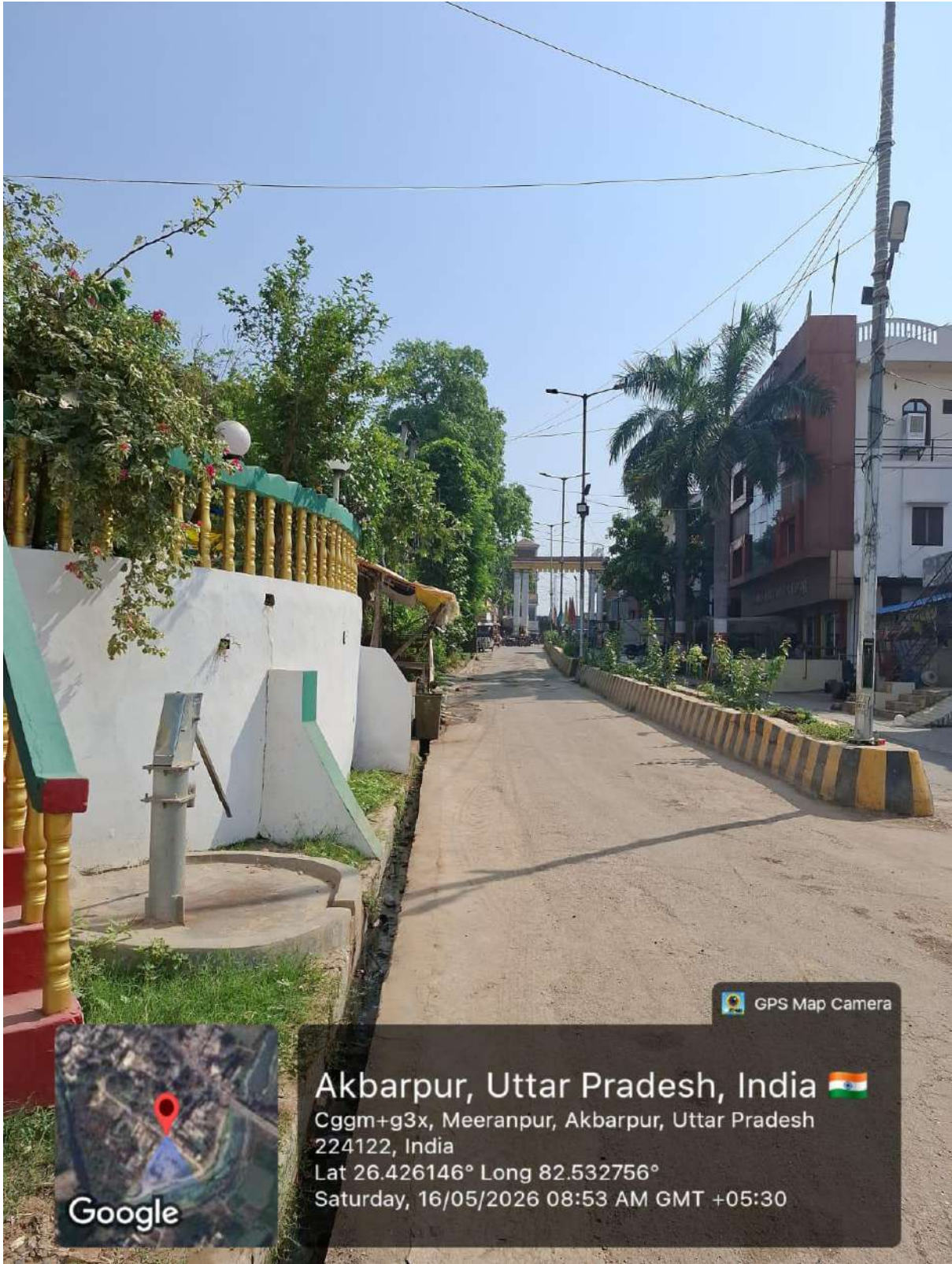
Awad
08-01-18
उप जिला मजिस्ट्रेट,
अकबरपुर, अम्बेडकरनगर।

1. दाया प्रतिरक्षा - *08/01/18*
2. शब्द लगभग - 1180
3. फ्लॉम नं० - 12




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GPS Map Camera



Akbarpur, Uttar Pradesh, India 

Cggm+g3x, Meeranpur, Akbarpur, Uttar Pradesh
224122, India

Lat 26.426146° Long 82.532756°

Saturday, 16/05/2026 08:53 AM GMT +05:30

Google

VAKALATNAMA

IN THE COURT OF National Green Tribunal, Principal Bench
O. A. No. 406 of 2025 Now Delhi
SHYASH MISHRA Piff./Petition/Appellant

Versus

STATE OF UTTAR PRADESH & ORS. Defdt./Respdts.

Know all to whom these presents shall come that I/we Vinod Chandra Mishra,

owner of Respondent No. 5 the above-named Respondent 5 do hereby appoint,

SHARIQ ABBAS ZAIDI, MANSI CHAHAL
ADVOCATE (D/6223/2017)

Chamber No. 7, Trishul Tower (infront of Pacific Mall)

Kaushambi, Ghaziabad (U.P.)

Tel : 9868369914, 0120-4115171

E-mail : info@sazaidiassociates.com

Website : www.sazaidiassociates.com

(hereinafter called the Advocates) to be my/our Advocate in the above-note case and authorise him/her:-

To act appear and plead in the above-noted case in the Court, or in any other Courts in which same may be tried or heard and also in the appellate Courts.

To sign, file and present pleading, appeals, Cross-objections or petitions of execution, review, revision, restoration, withdrawal, Compromise or other petitions, replies, objections, or Affidavits or other documents as may be deemed necessary or proper for the prosecutions of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case, or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said cause.

To take out execution proceedings.

To deposit draw and receive moneys and grant, receipts there for and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other Legal Practitioner authorising him/her to exercise the power and authorities hereby conferred upon the advocate whenever they may think fit to do so.

And I/We, the undersigned to hereby agree ratify and confirm all acts done by the Advocate or his substitute in the matter as my /our own acts, as if done be me/us to all intents and purposes And I/We, undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings.

And I/we the undersigned, do hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of their absence from the court when the said cause is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/We, the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by me / us to be paid to the Advocate remaining unpaid they shall be entitled to withdraw from the prosecution of the said cause until the same is paid up. If any costs are allowed from an adjournment, the Advocate would be entitled to the same.

In witness where of I/We hereon to set my/our hand to these presents the, contents of which have been understood by me/us this..... 17th..... day of..... feb..... 2026.

Accepted

Client

Vinod Chandra Mishra

