

Court No. - 49

Case :- WRIT - B No. - 247 of 2025

Petitioner :- Girish Chand

Respondent :- State of U.P. and others

Counsel for Petitioner :- Bhole Ram

Counsel for Respondent :- Bhupendra Kumar Tripathi, C.S.C.

Hon'ble J.J. Munir,J.

By our order dated 11.02.2025, we had granted time to the learned Counsel for the petitioner and the learned Standing Counsel to file their objections to the learned Commissioner's report, on or before 27.02.2025, that falls today. Learned Counsel for the petitioner has filed a rejoinder affidavit, where, no serious objection has been raised to the learned Commissioner's report. The rejoinder affidavit is taken on record. The learned Standing Counsel has not filed any objection to the report submitted by the learned Commissioner/Civil Judge (Senior Division), Ghazipur. Instead, through a memo dated 24.02.2025 addressed to the learned Chief Standing Counsel, High Court, Allahabad, the Collector, Ghazipur, the Superintendent of Police, Ghazipur, the Settlement Officer of Consolidation, Ghazipur and the Station House Officer, Police Station Rampur Manjha, Ghazipur have forwarded a joint report of theirs, which the learned Standing Counsel wants read as their response to the learned Commissioner's report.

2. The report submitted by these four officers, jointly signed and dated Nil, annexed to the Collector's letter dated 24.02.2025 may be quoted for every word of it. It reads :

मा० उच्च न्यायालय इलाहाबाद, इलाहाबाद पीठ द्वारा रिट याचिका बी सं० 247/2025, गिरिश चन्द बनाम उत्तर प्रदेश राज्य व अन्य में पारित आदेश

दिनांक 31.01.2025 के अनुपालन में मा० न्यायालय में प्रस्तुत की गयी
कमीशन कार्यवाही दिनांक 05.02.2025 के सम्बन्ध में आख्या का प्रेषण।

प्रश्नगत रिट याचिका बी सं० 247/2025, गिरिश चन्द बनाम उत्तर प्रदेश राज्य व अन्य में मा० न्यायालय द्वारा पारित आदेश दिनांक 11.02.2025 का प्रासंगिक अंश निम्न प्रकार है:-

Learned counsel for the petitioner and the learned Standing Counsel may file their objection to the commissioner's report on or before 27-02-2025.

प्रश्नगत रिट याचिका में मा० न्यायालय द्वारा पारित आदेश दिनांक 31.01.2025 के अनुपालन में नूतन द्विवेदी, न्यायालय कमिश्नर / सिविल जज सी०डि०) जनपद गाजीपुर द्वारा मा० न्यायालय में प्रस्तुत की गयी कमीशन कार्यवाही / आख्या दिनांक 05.02.2025 भौतिक वस्तुस्थिति से सम्बन्धित है।

प्रश्नगत प्रकरण के सम्बन्ध में मा० न्यायालय को सादर अवगत कराना है कि मा० न्यायालय के आदेश दिनांक 31.01.2025 के अनुपालन में ग्राम नारीपचदेवरा, परगना व तहसील सैदपुर, जिला गाजीपुर में याची से सम्बन्धित प्रश्नगत नया गाटा सं० 709 में निर्माण कार्यवाही पूर्णतया रोक दी गयी है। नया गाटा सं० 711 में थाना रामपुर मांझा के मुख्य भवन का निर्माण कार्य प्रगति पर है।

अस्तु मा० न्यायालय के आदेश दिनांक 11.02.2025 के अनुपालन में आख्या सादर प्रस्तुत है।

Sd/- (Illegible) थानाध्यक्ष रामपुर मांझा	Sd/- (Illegible) बन्दोबस्त अधिकारी चकबन्दी, गाजीपुर।	Sd/- (Illegible) पुलिस अधीक्षक, गाजीपुर।	Sd/- (Illegible) जिलाधिकारी गाजीपुर।
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(emphasis by Court)

3. While the stand in the report is quite fair in that, that the respondents shall go ahead with their construction in Plot No. 711, which does not belong to the petitioner, but have stopped all constructions in Plot No. 709, which the petitioner claims, there is a very serious breach of propriety that we notice there. The learned Civil Judge (Senior Division), Ghazipur, who has executed our Commission, has been described in the second line of the third

paragraph of the report as "नूतन द्विवेदी" instead of "Ms. नूतन द्विवेदी" or "सुश्री नूतन द्विवेदी". This breach of propriety appears to be a serious and disturbing trend amongst administrative officials, where they seem to think small of the learned Judges in the District Court and take liberties with them. Judges who preside over the Courts in districts are, in no way, just officers of the State. They are Judges presiding over sovereign courts, where the Collector, the Superintendent of Police, not to speak about the Settlement Officer of Consolidation and the Station House Officer, are mere litigants.

4. We, therefore, express our serious displeasure, particularly, at the conduct of the two responsible officers, the Collector, Ghazipur and the Superintendent of Police, Ghazipur in referring to the learned Civil Judge without the normal courtesy of appending a "Ms." or "सुश्री" to her name. They will show cause in this regard, by their own affidavit, to be separately filed within a week.

5. So far as the interim order passed by this Court is concerned, it is clarified that the respondents shall be free to raise their constructions over Plot No. 711, that is to say, the police station, but not in Plot No. 709. The respondents shall be at liberty to take away the building material stacked in Plot No. 709. Any incomplete constructions in Plot No. 709 may be dismantled and the material taken away by the respondents.

6. Adjourned to **11.03.2025**.

7. To be taken up in the additional cause list at **10:00 a.m.**

8. By that time, the personal affidavit of the Collector, Ghazipur and the Superintendent of Police, Ghazipur on the point indicated, shall be filed.

9. The Registrar (Compliance) is directed to communicate this order to the Collector, Ghazipur and the Superintendent of Police, Ghazipur, both through the learned Chief Judicial Magistrate, Ghazipur **within 24 hours next.**

Order Date :- 27.2.2025

I. Batabyal

(J.J. Munir, J.)