(2009) 02 AHC CK 0044

Allahabad High Court

Case No: Civil Miscellaneous Writ (PIL) Petition No. 7024 of 2009

Mazda Begum And Others   APPELLANT

Vs

State of U.P.And Others   RESPONDENT

Date of Decision: Feb. 25, 2009

Hon'ble Judges: H.L.Gokhale, CJ and Dilip Gupta, J

Final Decision: Disposed Of

Judgement

1. Heard Mr. U.K. Goswami in support of this petition. Mr. Mohd. Ali appears for respondent No.3 National Highways Authority of India (in short "Authority").

2. This petition is filed with a prayer that the representation of the petitioners dated 5.1.2009 be considered by respondent No. 4the District Magistrate, Kanpur Dehat while carrying out the road widening work by the Authority. A copy of the said representation has been sent to the Authority.

3. It is submitted that there is Mazaar (Tomb) on one of the adjoining plots and it is likely to be disturbed while carrying out the road widening work. Some photographs are annexed to the writ petition. Mr. Ali appearing for the Authority points out that out of these photographs, photograph Nos. 1 to 6 are the photographs of one Mazaar from different angles. According to the petitioners, this Mazaar is supposed to be situated on Plot No. 291, but Mr. Ali points that it is not on Plot No. 791 but it is on Plot No. 754 and 1070, which plots belong to the Authority. He further states that as far as the structures which are shown in photograph Nos. 7 to 16 are concerned, which are claimed to be Qabristan, they are not being affected by the project of the Authority.

4. The Mazaar is supposed to be in district Kanpur Dehat and is supposed to be obstructing the work of the Authority. Mr. Ali states that the Authority will shift and accommodate this Mazaar in a suitable parcel of land of the Authority so that the feelings of the persons visiting the Mazaar are not, in any way, affected.

5. In view of the statement made by Mr. Ali, we do not see any reason to entertain this petition. Petition stands disposed of accordingly.