

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 220 of 2023

Petitioner :- Urmila Devi

Respondent :- State Of U P And 3 Others

Counsel for Petitioner :- Anil Kumar Pal, Amar Jeet Upadhyay, Pradeep Kumar Rai

Counsel for Respondent :- C.S.C., Kuber Singh Yadav

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Amar Jeet Upadhyay, learned counsel for the petitioner, Mr. Pradeep Kumar Rai and Mr. Kuber Singh Yadav, learned counsel for respondent no.4 and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant public interest litigation has been filed for mandamus commanding respondent nos.2 & 3 to remove the unauthorized encroachment from Khasra No.684 area 0.0360 hectare which is recorded as Khalihan situated in Village- Nonhara (Englishpur), Tahsil- Mohammadabad, District- Ghazipur as well as for mandamus commanding authority concerned to initiate legal proceeding against respondent no.4 in accordance with law.

3. Learned counsel for the petitioner submitted that the plot in dispute is recorded as Khalihan in the revenue records and respondent no.4 is in illegal occupation over the same, as such, the proceeding be initiated for the removal of encroachment. He placed the Khatauni of 1427-1432 fasli in which plot no.684 area 0.360 hectare is recorded as abadi.

4. On the other hand, Mr. Pradeep Kumar Rai, learned counsel for respondent no.4 submitted that the instant public interest litigation is misconceived and liable to be rejected. He further submitted that the plot in dispute is not recorded as Khalihan rather the same is recorded as abadi.

5. I have considered the argument advanced by learned counsel for the parties and perused the record.

6. There is no dispute about the fact that Khasra No.684 area 0.0360 hectare is recorded as abadi in the khatauni, which is annexed as Annexure No.1 to the instant P.I.L.

7. The argument advanced by learned counsel for the petitioner that land is recorded as Khalihan is misconceived.

8. Considering the entire facts and circumstances as well as the khatauni annexed along with the instant public interest litigation, no case is made out for removal of encroachment from the plot in dispute.

9. The instant public interest litigation is misconceived and dismissed accordingly.

Order Date :- 18.10.2023/Rameez