

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 257 of 2020

Petitioner :- Jhinku

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Ravindra Nath Yadav, Akhilesh Kumar Yadav

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi, Kailash Pati Singh Yadav, Sheo Prasad Yadav

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Akhilesh Kumar Yadav, Counsel for the petitioner, Dr. Govind Kumar Saxana, learned Additional Chief Standing Counsel for the State-respondents and Mr. Rameshwar Prasad Shukla for respondent no.4, Gram Sabha.

2. The instant petition has been filed for the following relief:-

" Issue a writ order or direction in the nature of mandamus commanding and directing the respondents authorities to be taken appropriate actions against the encroachers i.e. respondent nos. 5 to 9 regarding initiation of proceedings under Section 122-B of U.P.Z.A. and L.R. Act read with Section 67 of U.P. Revenue Code, 2006 in garb of the order dated 20.4.2019 passed by Tehsildar, Tehsil Phoolpur, District Azamgarh, regard to vacate the encroachment from the Gaon Sabha Land Gata No. 74Kh area 0.392 hectare, in some specified period fixed by this Hon'ble Court, so the Gaon Sabha Land could be protected and restored for use of villagers."

3. This Court has directed the learned Standing Counsel to file counter-affidavit in the matter vide order dated 7.2.2020. State has filed his counter-affidavit in the matter.

4. Dr. Govind Kumar Saxana, learned Additional Chief Standing Counsel for the State-respondents submitted that case No. T2014150603411 under Section 122-B of U.P.Z.A. and L.R. Act has been restored to its original number for fresh decision in accordance with law. He further placed the paragraph No.5 of the counter-affidavit filed on behalf of the State in order to demonstrate that vide order dated 5.2.2022 aforementioned case under Section 122-B of U.P.Z.A. and L.R. Act has been restored to its original number.

5. Considering the facts and circumstances of the case, the instant petition is finally **disposed of** directing the respondent no.3, Tehsildar, Tehsil Phoolpur, District Azamgarh to decide the case No. T2014150603411 if it is still pending in accordance with law after affording opportunity of hearing to both parties expeditiously preferably within period of **three months** from the date of production of certified copy of this order.

Order Date :- 13.12.2023 Vandana Y.