

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 846 of 2023

Petitioner :- Prabhakar Singh

Respondent :- State Of U.P. And 15 Others

Counsel for Petitioner :- Abhay Pratap Singh

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

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Abhay Pratap Singh, Counsel for the petitioner, Mr. Anand Upadhyay, learned State Law Officer for the State-respondents and Mr. Bhupendra Kumar Tripathi, Counsel for respondent no.5, Gaon Sabha.

2. The instant public interest litigation has been filed for the following relief:-

" Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to direct the respondent authorities to remove the encroachment over the land No. 220 having situated at Village- Shekhanpur, Pargana- Jahurabad, Tehsil Kasimabad, District Ghazipur."

3. This Court has directed the learned Standing Counsel for the State-respondents to obtain instruction in the matter.

4. The instruction has been placed before the Court in which it is mentioned that appeal under Section 67 (5) of the U.P. Revenue Code, 2006 have been filed by the person against whom the order for ejectment and damages has been passed by the Tehsildar. The particular of the appeal nos. are as follows:-

(a) D202314290000796

(b) D202314290000797

(c) D202314290000798

(d) D202314290000799

(e) D202314290000800

(f) D2023142900007801

(g) D202314290000802

(h) D202314290000803

5. In view of the pendency of the appeal under Section 67 (5) of the U.P. Revenue Code, 2006 before the respondent no.2, District Magistrate, District Ghazipur, the instant public interest litigation is finally **disposed of** directing the respondent no.2 to decide the aforementioned appeals under Section 67 (5) of the U.P. Revenue Code, 2006 after affording opportunity of hearing to the parties expeditiously preferably within period of **four months** from the date of production of certified copy of this order.

Order Date :- 6.12.2023

Vandana Y.