

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2455 of 2023

Petitioner :- Amrit Lal

Respondent :- State Of U.P. And 23 Others

Counsel for Petitioner :- Deepak Kumar
Vishwakarma, Vishwanath Vishwakarma

Counsel for Respondent :- CSC, Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Deepak Kumar Vishwakarma, learned counsel for the petitioner, Mr. Govind Kumar Saxena, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for respondent No.5/Gram Sabha.

2. The instant writ petition has been filed praying for a mandamus directing the authority to remove the name of the respondent Nos. 6 to 24 from the Arazhi No. 110 ka, 110kha, 110ga, 110gha (old Arazhi No. 349) which is recorded as pond in the revenue records.

3. Learned counsel for the petitioner submitted that the entry of the private respondents are fraudulent, as such their entry be expunged from the revenue record.

4. Learned Standing Counsel and learned counsel for the gaon sabha submitted that petitioner should initiate proper proceeding rather writ petition before this Court for expunging the entry of private respondents

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

6. Since private respondents are recorded in the revenue record

over the plot in dispute, as such writ petition under Article 226 of the Constitution of India, cannot be entertained to expunge the revenue entry of the private respondents.

7. The writ petition is misconceived and dismissed. However proper proceeding can be initiated before proper Court/authority in respect to the entry of the plot in question.

Order Date :- 19.10.2023

PS*