

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1362 of 2020

Petitioner :- Padam Singh

Respondent :- The Collector 4 Others

Counsel for Petitioner :- Vijay Prakash Singh Kushwaha, Vijay Prakash Singh Kushwaha

Counsel for Respondent :- C.S.C., Kamini Pandey (Dubey), Kaushal Kishore Mani

Hon'ble Chandra Kumar Rai, J.

1. Learned counsel for the petitioner is permitted to implead Tehsildar, Kheragarh, Agra in the array of parties as respondent no. 6 during course of the day.

2. Heard, learned counsel for the petitioner, Smt. Kamini Pandey (Dubey), learned counsel for the respondent nos. 4 and 5, Mr. Avinash Chandra Srivastava, learned counsel for the respondent no. 3, Gaon Sabha.

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

"a. call for the records of the case and after perusal the same issue a writ order or direction in the nature of mandamus commanding the opposite party no. 1 and 2 to remove the illegal possession of the opposite party no. 3 and 4 from the road land plot number 2073 situated in village Bisalpur Tahsil Dataganj district Agra with the immediate effects.

b. Issue any other writ order or direction which is deem fit and proper under the facts and circumstances of the case.

c. Awards cost to the petitioner."

4. This Court has directed the learned Standing counsel to obtain instruction in the matter. In compliance of the order of this Court, instruction dated 1.7.2023 is placed before the Court which is taken on record.

5. Mr. Chandraprakash Yadav, learned Standing Counsel, on the

basis of instruction submitted that plot no. 2073 area 1.6710 hectares is recorded as *Rasta* in the revenue record. He further submitted that proceedings under Section 67(1) of the U.P. Revenue Code, 2006 has been registered against the persons who are in possession over the same. The particulars of the case are as follows:

"T-202301010501856 and T-202301010501855"

6. Smt. Kamini Pandey (Dubey), learned counsel for private respondents submitted that Civil Suitj No. 426 of 2020 in respect to the plot in dispute is pending before the Civil Court. She further submitted that interim injunction has also been granted in the pending Civil Suit in respect to the plot in question. She further submitted that plot in question was allotted to father of respondent no. 4 as such the prayer made in the instant public interest litigation cannot be granted.

7. Learned counsel for the petitioner submitted that proceedings under Section 67(1) of the U.P. Revenue Code, 2006 has been registered against the person who are in possession over the same as such appropriate directions be issued for disposal of aforementioned pending cases under Section 67(1) of the U.P. Revenue Code, 2006.

8. Considering the facts and circumstance of the case, the instant public interest litigation is finally **disposed of** directing the respondent no. 6, Tehsildar, Kheragarh, Agra to decide case no. T-202301010501856 and T-202301010501855 after affording proper opportunity of hearing to the parties in accordance with law expeditiously preferably within period of three months from the date of production of certified copy of this order before the Tehsildar, respondent no. 6.

Order Date :- 5.12.2023

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