

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1376 of 2022

Petitioner :- Amit Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Subhash Chandra Yadava, Bal Mukund Singh

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. The instant petition filed in public interest prays for a direction to the Executive Engineer, P.W.D., Azamgarh to make construction of pitch-road over Gata No.177 and not over Gata No.176 in pursuance of the order of the District Magistrate, Azamgarh dated 29.06.2022.

2. The instruction furnished by Executing Engineer, Construction Division, P.W.D., Azamgarh to the Standing Counsel mentions that the pitch-road is being constructed over land which lies over Gata No.177 which is recorded as chakroad and not over Gata No.176 as is the contention of petitioner.

3. The District Magistrate, Azamgarh in his letter dated 29.06.2022, which is part of the instructions, taking cognizance of the complaint of the villagers, had directed that the pitch-road be constructed over Gata No.177.

4. It is not clear from the instructions whether any proper survey was conducted by the respondents to identify the chakroad and to ascertain whether the chakroad was in existence over Gata No.176 or 177.

5. In order to resolve the said controversy, we direct the District Magistrate, Azamgarh to constitute a team of revenue officials who will carry out fresh demarcation in presence of petitioner and other villagers so as to identify Gata No.176, which is recorded as 'Baha', and 177 recorded as chakmark. The District Magistrate, Azamgarh will, thereafter, ensure that the pitch-road is constructed over Gata

No.177 which is recorded as chakmarg and not over Gata No.176.

6. The petition stands disposed of accordingly.

7. The order has been passed in the presence of Sri Rameshwar Prasad Shukla, learned counsel for the respondent no.5.

Order Date :- 16.12.2023

AKShukla/-

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)