

Court No. - 52

Case :- WRIT - C No. - 20837 of 2023

Petitioner :- Dharmendra Singh

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

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C., Krishna Kant Singh

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Jay Prakash Singh, learned counsel for petitioner and Sri Prabhakar Tripathi, learned Standing Counsel for the State-respondent nos.1 to 3.

2. It is the case of the petitioner that being the Manager of Dharm Jyoti Mahavidyalay, Taharpur, District Aligarh, preferred an appeal under Section 67(5) of U.P. Revenue Code against the order dated 29.08.2019 before respondent no.2 and the same has been dismissed vide order dated 15.04.2023 which impugned the present petition.

3. During pendency of the instant petition, the sole petitioner, namely, Dharmendra Singh expired and till his death, he was discharging all necessary duties being the Manager of Dharm Jyoti Mahavidyalay, Taharpur, District Aligarh. Substitution application has already been preferred which has already been allowed and wife of Late Dharmendra Singh has now been substituted who is not the Manager of the institution.

4. Learned counsel for the petitioner submitted that the fate and effect of the orders dated 15.04.2023 passed by respondent no.2 and 29.08.2019 passed by respondent no.3 may be adversely affected the wife of Late Dharmendra Singh, namely Mrs. Bhavana Chaudhary.

5. Learned Standing Counsel supported the orders which impugned the present petition and also submitted that the entire exercise whatsoever shall be carried out in pursuance to the order passed by respondent nos.2 and 3, shall only be against the institution and not against any particular person, if the institution has been determined as an illegal encroacher over the field pertains to Gram Sabha then whatsoever proceedings shall be initiated for recovery of penalty and removal of encroachment in pursuance of

the orders passed under Sections 67 and 67(5) of U.P. Revenue Code, 2006, shall be carried out only against the institution.

6. After having the rival submissions as extended by learned counsel for both the parties, it is made clear that the respondent no.3 is hereby directed to initiate further action against the institution i.e. Dharm Jyoti Mahavidyalay, Taharpur, District Aligarh in pursuance of the order dated 15.04.2023 which attained finality under Section 67(5) of U.P. Revenue Code, 2006 by way of removing the illegal encroachment and realizing the penalty.

7. The present petition stands **disposed of** accordingly.

Order Date :- 12.10.2023

Vivek Kr.