

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1463 of 2023

Petitioner :- Santosh Ram Nath Yadav

Respondent :- The State Of U.P. And 10 Others

Counsel for Petitioner :- Ray Sahab Yadav

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

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for Gaon Sabha.

2. The instant Public Interest Litigation has been filed praying for the following relief:

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 2, 3 and 4 to remove the illegal encroachment made by the respondent nos. 6 to 11 by raising construction of house over the plot nos. 1199 area 0.6440 hectare, which is recorded in revenue record as Pond (Talab) and plot no. 1202 ka area 0.0360 hectare recorded in revenue record as 'Garaha' situated in village-Balauni Kalan (Barsathi), Tehsil-Mariyahun, District-Jaunpur.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent Nos. 2, 3 and 4 to restore back the original position of the plot Nos. 1199 area 0.6440 hectare, which is recorded in revenue record as Pond (Talab) and plot no. 1202 ka area 0.0360 hectare recorded in revenue record as 'Garaha' situated in village-Balauni Kalan (Barsathi) Tehsil-Mariyahun, District-Jaunpur and directed the Assistant Collector/Tehsildar, Tehsil-Mariyahun, District-Jaunpur to initiate proceeding under Section 67 (1) of U.P. Revenue code, 2006."

3. On 06.10.2023 following order was passed by this Court:

"1. Heard Mr. Ray Sahab Yadav, learned counsel for the petitioner, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gaon Sabha.

2. In compliance of the order dated 21.9.2023, instruction dated 5.10.2023 has been placed before the Court, which is taken on record.

3. Mr. R.C. Srivastava, learned Additional Chief Standing Counsel on the basis of instruction dated 5.10.2023 submitted that seven cases have been registered, under Section 67 of U.P. Revenue Code, 2006 against the private respondents. The particulars of the seven cases are as follows:

i.T202314360605966 (Gaon Sabha vs. Ashok Kumar and Others).

ii.T202314360605967 (Gaon Sabha vs. Bajrangbali and Others).

iii.T202314360605968 (Gaon Sabha vs. Ramraj).

iv. T202314360605969 (Gaon Sabha vs. Radheshyam and Others).

v. T202114360605688 (Gaon Sabha vs. Talukdar).

vi. T202114360605687 (Gaon Sabha vs. Udayraj).

vii. T202114360605689 (Gaon Sabha vs. Ajay Kumar and Others).

4. Learned Additional Chief Standing Counsel for the State-respondents further submitted that remaining area i.e. 0.598 Hectare of plot no.1199 is vacant on spot and there is no encroachment over the aforementioned area.

5. Learned Additional Chief Standing Counsel for the State-respondents shall serve the copy of the instruction dated 5.10.2023 upon learned counsel for the petitioner during course of the day.

6. Learned counsel for the petitioner shall file reply, if any, to the instruction dated 5.10.2023 within two weeks.

7. Put up this case as fresh on 31.10.2023."

4. In the instruction dated 21.09.2023, it was submitted that seven cases have been registered against the persons, who are in possession over the part of the area of pot No.1199.

5. Learned counsel for the petitioner submitted that proper direction be issued for the expeditious disposal of the aforementioned pending cases in accordance with law.

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present P.I.L. stands **disposed of** finally with a direction to respondent No.4/ Tehsildar, Tehsil-Mariyanhu, District-Janpur to consider and decide the aforementioned pending cases in accordance with law expeditiously and preferably within a period of **six months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 31.10.2023

PS*