

Court No. - 52

Case :- WRIT - C No. - 28597 of 2021

Petitioner :- Pankaj Singh

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Janardhan Yadav

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

Hon'ble Saurabh Srivastava,J.

1. Rejoinder affidavit filed today in the Court is taken on record.
2. Heard Sri Janardan Yadav, learned counsel for the petitioner and Sri Prabhakar Tripathi, learned Standing Counsel appearing on behalf of State-respondents.
3. Through the instant petition, certain encroachments over the land pertaining to Gaon Sabha have been highlighted.
4. On the consideration of the events mentioned in the Gaon Sabha, counter affidavit was called for upon which State-respondents have preferred detailed counter affidavit annexing therewith the report of the concerned Lekhpal wherein it has been submitted that over certain portion, encroachment has been carried out but on certain plots there is no encroachment and the same are still under the use of the public utility.
5. Controverting the factual position, as narrated in the counter affidavit, rejoinder affidavit has been preferred by the learned counsel for the petitioner, which has been taken on record today itself.
6. Considering the arguments, as raised by learned counsel for the petitioner, respondent no. 4 is hereby directed to initiate proceedings under Section 67 of U.P. Revenue Code, 2006 after due opportunity of hearing to all concerned persons, in pursuance to the report submitted by the concerned revenue authorities.
7. If any proceedings has already been finalized under Section 67 of U.P. Revenue Code, 2006, the appropriate action be taken against determined illegal encroachers subject to the provisions contained under Section 67(6) of the U.P. Revenue Code, 2006.
8. The writ petition stands disposed of accordingly.

Order Date :- 6.11.2023

P.Sri.