

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1777 of 2023

Petitioner :- Bhagelu

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Harindra Prasad

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

Hon'ble Chandra Kumar Rai,J.

1. Heard Sri Harindra Prasad, learned counsel for the petitioner, Sri Abhinav Ojha, learned standing counsel for the state-respondents and Sri Rameshwar Prasad Shukla, learned counsel for the respondent-gaon sabha.

2. In compliance of the orders of this Court dated 17.8.2023/19.10.2023, instruction dated 16.11.2023 has been placed before the Court which is taken on record.

3. Sri Abhinav Ojha, learned standing counsel, on the basis of the instruction dated 16.11.2023, submitted that plot no.885, area 0.081 hect. is recorded as rasta in the revenue records. It is further submitted that the temporary encroachment over plot no.885, area 0.081 hect. has been removed. It is also submitted that demarcation of plot no. 885, area 0.081 hect was made by the revenue team constituted for the purpose and in respect to the permanent encroachment made by the persons, 7 cases under Section 67 of the U.P. Revenue Code, 2006 have been registered as Case Nos.T202315510303209, T202315510303217, T202315510303221, T202315510303220, T20231551030321, T202315510303223 & T202315510303225, which are pending before respondent no.4-Tehsildar, Tehsil Madhuban, District Mau.

4. Counsel for the petitioner states that appropriate direction be issued for the expeditious disposal of the pending cases, so that the encroachment over the plot in dispute may be removed.

5. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.4 to decide the aforesaid proceedings under Section 67 of the U.P. Revenue Code, 2006, as expeditiously as possible, preferably within a period of 6 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

Order Date :- 2.12.2023/C.Prakash