

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1778 of 2023

Petitioner :- Santosh Tiwari

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Anil Kumar Mishra, learned counsel for the petitioner, Mr. Sanjay Kumar Srivastava, State Law Officer for the State-respondents and Mr. Azad Rai, learned counsel for respondent- Gram Panchayat.

2. The instant public interest litigation has been filed for mandamus directing respondent authorities to take steps for removal of encroachment in respect to plot nos.837 & 198, which are recorded as pond in the revenue records.

3. In compliance of the order of this Court dated 17.8.2023, instruction dated 5.9.2023 has been placed before the Court by Mr. Sanjay Kumar Srivastava, State Law Officer for the State-respondents, which is taken on record.

4. Mr. Sanjay Kumar Srivastava, State Law Officer for the State-respondents on the basis of instruction dated 5.9.2023 submitted that in respect to plot in question three cases have been registered against the persons who are in possession over the same. The particulars of the cases are as follows:

i. T202302030207394

ii. T202302030207395

iii. T202302030207396

5. In view of the pendency of aforementioned three cases, under Section 67 of U.P. Revenue Code, 2006, the instant public interest litigation is finally **disposed of** directing respondent no.4 i.e. Tahsildar, Tahsil- Phoolpur, District- Prayagraj to decide the aforementioned three cases in accordance with law after affording proper opportunity of

hearing to both parties, expeditiously preferably within a period of four months from the date of production of certified copy of this order before him.

Order Date :- 19.10.2023

Rameez