

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1839 of 2023

Petitioner :- Rohit And 10 Others

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

Counsel for Petitioner :- Ajay Kumar

Counsel for Respondent :- C.S.C.,Kaushal Kishore Mani

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Ajay Kumar, learned counsel for the petitioners and Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel for the State-respondents no.1, 2 & 3. Notice on behalf of Gaon Sabha has been accepted by Sri Kaushal Kishore Mani.

2. The present petition has been filed as Public Interest Litigation, inter alia, seeking for following reliefs:

"(i) To issue a writ, order or direction in the nature of mandamus directing the respondent no.2 & 3 to remove the illegal encroachment over the land of Arajji No.00701 having an area 1.3970 of Shamshan Ghat which is belonging to Scheduled Caste Category of the village.

(ii)

(iii)"

3. The contention of the learned counsel for the petitioners is that the petitioner belongs to the Scheduled Caste category and is a social worker. He is aggrieved by the inaction on the part of the authorities to remove the alleged illegal encroachment over the land of Arazji No.00701 having area of 1.3970 hectare belonging to the *Shamshan Ghat*. He has made an allegation in paragraph 7 of the writ petition that the present Gram Pradhan in collusion with the respondent authorities is illegally trying to construct the water tank on the aforesaid land.

4. Opposing the objection, learned Additional Chief Standing Counsel has contended that in the entire memo of the writ petition, the petitioner did not have made any averment explaining the credentials as required under Sub-Rule (3-A) of Rule 1 of Chapter XXII of the Allahabad High Court Rules (Rules of Court, 1952), which has been amended in the light of judgment passed by the Hon'ble Supreme Court in **State of Uttranchal versus Balwant Singh Chaufal & others**; reported in 2010 AIR SCW 1029. He has also relied upon the judgment passed by this Court in the case of **Bhoopendra Singh versus State of U.P. and others**; reported in 2023(9) ADJ 685.

5. Learned Additional Chief Standing Counsel further contended that there is nothing on record to substantiate the allegations that have been made by the petitioner in paragraphs No.7 & 10 of the writ petition. His submission is that the writ petition appears to be an outcome of some personal differences between the petitioner and the present Gram Pradhan, who has not been impleaded as respondent in his personal capacity, as such the present writ petition is bad for non-joinder of necessary party.

6. From the perusal of the record, this Court finds no substance in the contentions and allegations made by the learned counsel for the petitioner. The forum of Public Interest Litigation cannot be allowed to be made a political platform.

7. Taking into consideration the rival submissions of the learned counsel for the parties and the legal as well as the factual matrix of the case, this Court finds that this writ petition deserves to be dismissed and is accordingly **dismissed**.

Order Date :- 31.10.2023/Abhishek Gupta