

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1908 of 2023

Petitioner :- Jagdish Pandey

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Nagendra Nath Mishra

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Nagendra Nath Mishra, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"i) issue a writ order or direction in the nature of mandamus commanding to respondents to remove the illegal encroachment made over and restore the public utility land of gata no. 149 area 0.1900 hector recorded as banjar in revenue record situated in village Kapiya Bukaniha grant paragana-Naugarh, Tahasil Soharatgarh District-Siddharth Nagar."

3. At the very outset, learned Standing counsel for State respondents came up with specific instructions which is taken on record through which it has been transpired that gata no. 149 is recorded as banjar in the revenue record and over the same, some persons are residing illegally with their families in shape of making pucca house since long ago and one Ram Lagan who had encroached over the said land by making a pucca house, has already been granted residential lease over the same land on 04.03.2020. Insofar as other encroachers are concerned, order of eviction has already been passed against them by Tehsildar concerned but they have no alternative land to dwell upon, and as per the concept of welfare State, without ascertaining alternative land to them for residing before eviction who are landless, will not be justified.

4. In view of the aforementioned facts and circumstances, there is hardly any cause of action survives in favour of petitioner to pursue the instant P.I.L and the same stands ***disposed of***.

Order Date :- 31.10.2023

Shaswat