

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1990 of 2023

Petitioner :- Sahadat Ali

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Manish Kumar Tiwari

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

Hon'ble Saurabh Srivastava, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

2. Present petition has been filed with following reliefs:-

"i) Issue a writ, order or direction in the nature of mandamus directing the respondents authorities to comply order dated 14.12.2022 passed by Tehsildar, Sadar, Basti in Case no. 7338/2022 computer case no. T202217140307338 (Bhumi Prabandh Samiti Vs. Ram Ujagir and others) and Case no. 7339/2022 computer case no. T202217140307339 (Bhumi Prabandh Samiti Vs. Kamal Prasad) and remove the obstruction of respondent no. 6 to 11 from plot no. 168M/0.0280 hectare and 0.0120 hectare, situate in village Pokharani, Tappa Haveli, Tehsil and District Basti."

3. Learned Standing Counsel submits that for enforcement of the order passed by revenue authorities, petitioner may pursue remedy available under para 460 of the U.P. Revenue Court Manual. They have cited the relevant provisions which is reproduced hereinbelow:

"460.-- (1) The decree or order passed under the Code or the Rules framed under the Code shall, mutatis mutandis, be executed in accordance with the provisions of Chapter V.

(2) The Assistant Collector/ Tahsildar passing the order for eviction or recovery of any amount of damages or compensation under the provisions of Section 67 of the Code shall get the order executed and in execution of the order he shall, mutatis mutandis, follow the procedure laid down in paragraphs 137 and 138."

4. In view of the aforesaid facts and circumstances, the instant writ petition stands **disposed of** with a direction that in case, if no appeal or restoration application has been filed in respect of the order which is sought to be enforced, liberty is granted to

petitioner for applying before the competent authority under para 460 of the U.P. Revenue Court Manual (supra) and it is provided that in the event any such application is filed within a period of four weeks, the same shall be looked into and decided in accordance with law within a further period of eight weeks.

Order Date :- 17.10.2023

Shaswat