

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2059 of 2023

Petitioner :- Subhash Chandra

Respondent :- State Of U.P. And 12 Others

Counsel for Petitioner :- Rajendra Prasad Yadav, Hemanta Yadav

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Rajendra Prasad Yadav, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"A. Issue a writ, order or direction in the nature of mandamus commanding the respondents to comply the order of Tehsildar dated 12.11.2022, 15.2.2023 and 1.4.2023 passed in proceedings under Section 67 of U.P. Revenue Code and restore the public land gata no. 111, 194 (Khalihan) on its original shape situated at village Khamhaura, Pargana Haveli, Tehsil Sadar, District Jaunpur and the illegal encroachment of public land of Gram sabha."

3. At the very outset, learned Standing counsel came up with specific instructions which is taken on record through which it transpired that against the eviction order dated 22.11.2022, 15.02.2023 and 01.04.2023, restoration application preferred by the respondents is pending to be adjudicated and as such compliance of the order dated 22.11.2022, 15.02.2023 and 01.04.2023 is not justifiable. After the final disposal of the restoration application, necessary steps will be taken up by the respondent authorities with regard to the prayer made in the instant petition and as such no cause of action survives for petitioner to pursue the instant P.I.L and the same stands ***disposed of***.

Order Date :- 16.10.2023

Shaswat