

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2054 of 2023

Petitioner :- Kamlakant

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Anil Kumar Bind, Samsher Bahadur Yadav

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

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Anil Kumar Bind, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"i. To, issue a writ, order or direction in the nature of mandamus directing the respondent authorities to releases the encroachment of the Public Utility Land i.e. Banjar, Rasta and Ram Leela Maidan in the illegal encroachment from the private respondents situated over gata no. 215Min area 0.3080 hectare, gata no. 268kha area 0.2280 hectare and gata no. 268kha area 0.0630 hectare situated at village Mansaita, Pargana Mirzapur Chauhari, Tehsil Soraon District Prayagraj and restore the public utility land as exist prior to 1426 to 1432 fasli year and also take the necessary action against the private respondents for making illegal encroachment."

3. Today when the matter has been taken up, learned Standing counsel came up with the specific instructions which is taken on record through which it has been transpired that with respect to plot no. 215M area 0.3080 hectare recorded as 'banjar' in revenue records, proceedings under Section 67 of the U.P. Revenue Code, 2006 has already been initiated against the encroachers which is pending while there is no encroachment over plot no. 268kha area 0.0630 hectare and the plot no. 268 ka area 0.2280 hectare is a bhumidhari land.

4. The grievance of the petitioner has already been redressed in pursuance to the prayer as made in the instant petition and as such, there is hardly any cause of action arises in favour of the petitioner to pursue the instant petition.

5. Accordingly, the present petition stands ***disposed of***.

Order Date :- 16.10.2023

Shaswat