

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2356 of 2023

Petitioner :- Mayaram Patel

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Kanhaiya Lal,Jeeshan Ahmad Siddiqui,Mohammed Iftekhhar

Counsel for Respondent :- C.S.C.,Ashish Mohan Srivastava,Munne Lal

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Ashish Mohan Srivastava, learned counsel for respondent no.8- Nagar Panchayat, Tahsil- Soraon, District- Prayagraj.

2. In compliance of the order of this Court, instruction dated 2.12.2023 is placed before the Court, which is taken on record.

3. Mr. Ashish Mohan Srivastava, learned counsel for respondent no.8 has also placed the instruction before the Court, which is also taken on record.

4. Mr. Mridul Kumar, learned Standing Counsel on the basis of instruction dated 2.12.2023 submitted that the plot no.49 area 0.011 hectare and plot no.65 area 0.0340 hectare are recorded as banjar in the revenue records and plot no.51 area 0.0100 hectare is recorded as navin parti in the revenue records. He further submitted that certain persons are in possession over the aforementioned plots, accordingly, proceedings under Section 67 of U.P. Revenue Code, 2006 have been registered against the persons who are in possession over the same. The particular of the cases are as follows:

"i. Case No.T202302030311513 (Gram Sabha vs Raju and Others).

ii. Case No.T202302030311514 (Gram Sabha vs Teerthraj).

iii. Case No.T202302030311515 (Gram Sabha vs Jagdish).

iv. Case No.1313 (Gram Sabha vs. Bharat)."

5. Learned Standing Counsel lastly submitted that proceedings are going on in the aforementioned four cases.

6. Mr. Ashish Mohan Srivastava, learned counsel for respondent no.8 also submitted that the proceedings under Section 67 of U.P. Revenue Code, 2006 have been registered against the persons who are in possession over the plots in dispute, which shall be decided in accordance with law.

7. Learned counsel for the petitioner submitted that appropriate direction be issued for the expeditious disposal of the aforementioned four cases.

8. I have considered the argument advanced by learned counsel for the parties and perused the records.

9. There is no dispute about the fact that aforementioned plots in dispute are recorded as banjar in the revenue records and proceedings under Section 67 of U.P. Revenue Code, 2006 have been registered against the persons who are in possession over the same.

10. In view of the aforementioned facts and circumstances, the instant public interest litigation is finally disposed of directing respondent no.4 i.e. Assistant Collector / Tahsildar, Tehsil- Soraon, District- Prayagraj to decide the aforementioned four cases in accordance with law after affording proper opportunity of hearing to the parties, expeditiously preferably within a period of three months from the date of production of certified copy of this order before him.

11. It is made clear that this Court has not expressed any opinion on the merits of the case.

Order Date :- 5.12.2023

Rameez