

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2188 of 2023

Petitioner :- Hari Prasad

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

Counsel for Petitioner :- Sheetala Prasad Pandey

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

Hon'ble Chandra Kumar Rai,J.

1.Heard learned counsel for the petitioner, Mr. Amit Kumar Srivastava, learned Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for respondent No.5-Gram Sabha.

2.The instant Public Interest Litigation has been filed for the following relief:

"(I) Issue a writ,order or direction in the nature of mandamus directing the respondents Nos.2 to 4 to evict the respondent Nos.6 to 10 from Gata No.75/0.1180 hectare situated at Village-Gadaha Raja Tehsil-Harraiya,District-Basti which is pond and Gata No.107/0.0310 hectare which is manure pit which have been wrongly encroached by them."

3.Mr. Amit Kumar Srivastava, learned Standing Counsel for the State-respondents on the basis of the instruction dated 21.10.2023 submitted that plot No.75 area 0.118 hectare is recorded as public utility land in the revenue records over which one Krishna Kumar son of Mehilal is found in possession accordingly, proceeding under Section 67 of U.P. Revenue Code, 2006 has been registered against Krishna Kumar as case No. 8035/2022 computerized Case

No.T202217140108035 which is still pending. He further submitted that plot No.107 area 0.031 hectare which is recorded as manure pit, is free from encroachment.

4. Learned counsel for the petitioner submitted that earlier proceeding under Section 67 of U.P. Revenue Code, 2006 was concluded against respondent No.9 Munnar s/o Ram Dulare but again encroachment has been made by the family members of Munnar, as such suitable direction be taken for removal of the encroachment.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, **the present P.I.L. stands disposed of finally** with a direction to respondent No.4/Tehsildar, Tehsil-Harraiya, District-Basti to consider and decide the aforementioned proceeding under Section 67 of U.P. Revenue Code, 2006 in accordance with law expeditiously and preferably within a period of **four months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 8.11.2023
PS*