

Court No. - 40

Case :- WRIT - C No. - 33029 of 2023

Petitioner :- Shakuntala Devi And Another

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

Counsel for Petitioner :- Jeevanjee Srivastava

Counsel for Respondent :- C.S.C., Kailash Pati Singh
Yadav, Pradeep Singh, Ravi Shankar Yadav

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Sri B.P. Singh, learned Additional Chief Standing Counsel for State-respondent nos.1 to 3.
2. The present writ petition has been preferred by the petitioners seeking direction upon respondent nos.2 and 3 to evict private respondent from land of the petitioners bearing Gata nos.28, 29 and 1733/67 situated in Mauja-Oonj Mungaraha, Tehsil-Gyanpur, District-Bhadohi.
3. Learned Additional Chief Standing Counsel has placed instructions dated 29.9.2023 sent by Sub Divisional Magistrate, Gyanpur, District-Bhadoni wherein it is indicated that there is no encroachment over the public utility land.
4. When confronted with this situation, learned counsel for the petitioner prayed that leave may be accorded to the petitioners to move appropriate application under Section 67 of the U.P. Revenue Code, 2006 before the competent authority.
5. Considering the facts and circumstances, without advertent any opinion on the merits of the case, we dispose of the writ petition with a direction that in case the petitioners file appropriate proceeding under Section 67 of the U.P. Revenue Code, 2006, definitely the same would be decided as per law.

Order Date :- 19.10.2023

Manish Himwan