

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2256 of 2023

Petitioner :- Rajkumar

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

Counsel for Petitioner :- Akhilesh Kumar, Manoj Kumar Kushwaha

Counsel for Respondent :- C.S.C., Achal Singh

Hon'ble Chandra Kumar Rai, J.

1. In compliance of the order of this Court dated 11.10.2023, instruction dated 01.11.2023 is placed before this Court which is taken on record.

2. Heard learned counsel for the petitioner, Mr. S.P. Singh, learned Additional Chief Standing Counsel for State-respondents and Mr. Achal Singh, learned counsel for respondent No.5/Gaon Sabha.

3. The instant writ petition has been filed for the following relief:

"(i) issue a writ, order or direction in the nature of writ of mandamus directing the respondent Nos.2, 3 and 4 to remove the illegal encroachment made by the private respondents over the Arazi No.734 area 0.3270 hectare recorded in revenue record as "Path" situated at Mauja-Bhanbhai, Pargana and Tehsil-Karwi, District-Chitrakoot and may also be directed to the respondent Nos.2, 23 and 4 to restore back to its original position.

(ii) issue a writ, order or direction in the nature of Mandamus directing the respondent authorities to decide the representation dated 19.12.2022."

4. Mr. S.P. Singh, learned Additional Chief Standing Counsel for State-respondents on the basis of the instruction submitted that petitioner is tenure holder of plot No.734 and by way of instant P.I.L. petitioner has prayed for removal of encroachment made

by petitioner's co-sharers over plot No.524, which is recorded as rasta in Class-6(2) category land. He further submitted that against the respondent Nos. 6 to 10 who are family members of the petitioner, cases under Section 67 of U.P. Revenue Code, 2006 have been registered. Particular of cases numbers are as under:

(1) T202307190106363

(2) T202307190106364

(3) T202307190106365

(4) T202307190106366

5. In view of the aforementioned facts mentioned in the instruction as well as pendency of the cases, the instant Public Interest Litigation is **disposed of** finally with a direction to respondent No.4/ Tehsildar, Tehsil- Karwi, District-Chitrakoot to consider and decide the aforementioned pending cases in accordance with law expeditiously and preferably within a period of **six 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 :- 2.11.2023

PS*