

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2498 of 2023

Petitioner :- Heeralal Gupta

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

Counsel for Petitioner :- Yashpal Yadav, Lalji Yadav

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Yashpal Yadav, learned counsel for the petitioner and Sri Tarun Gaur, learned Standing Counsel appearing on behalf of respondent Nos. 1, 2 and 3 and Sri Sudhir Bharti, learned counsel for the respondent No.4.

2. On previous occasion the instructions have been called for ascertaining the facts regarding initiation of any proceeding for removing the encroachment as highlighted by the instant petition. In compliance with the earlier direction, Sub Divisional Magistrate Kasia, District Kushi Nagar submitted the instructions which is taken on record through learned Standing Counsel, on the basis of averments made in the instructions learned Standing Counsel submitted that proceedings under Section 67 of the U.P. Revenue Code, 2006 have already been initiated in the year 2003 itself, next date fixed in the matter is 12.12.2023, and as such petitioner is having no cause of action for pursuing the instant petition since the proceeding initiated under Section 67 of the U.P. Revenue Code, 2006 will be finalized within due course of time after giving proper opportunity of hearing to all concerned.

3. Learned counsel for the petitioner sought the attention over page no.19, a report submitted by the concerned 'Lekhpal' regarding

illegal encroachment carried out by certain persons who have been arrayed as private respondents in the instant petition and as per the report submitted by the concerned 'Lekhpal' encroachment has been carried out by all the private respondents and the report has been submitted way back in the year 2021 itself. The averments made in the instructions is contrary to the record appended along with the instant petition, if that be so that in spite of having report submitted by the 'Lekhpal' in the year 2021 itself and the case has been registered in the year 2023, respondent No.3 is hereby directed to finalize the proceedings as expeditiously as possible without extending any unnecessary adjournment but at the same time after affording full opportunity therein to all concerned.

4. The writ petition stand disposed off.

Order Date :- 16.11.2023

A. Tripathi