

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2289 of 2023

Petitioner :- Rajmani

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Kailash Nath Singh

Counsel for Respondent :- CSC, Bhupendra Kumar Tripathi

Hon'ble Saurabh Srivastava, J.

1. Sri Satish Kumar Pandey, learned counsel for respondent no. 6 preferred vakalatnama which is taken on record.

2. Heard Sri Kailash Nath Singh, learned counsel for petitioner and learned Standing counsel for State respondents and Sri Satish Kumar Pandey, learned counsel for respondent no. 6.

3. Present petition has been filed seeking following reliefs:

"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to remove the encroachment of the respondent no. 6 over plot no. 28 ऋ/0.202, 1/0.344, 25/0.081 and 37/0.543 hectare situated in village Kulhana Mau, Pargana Haveli, Tehsil Sadar, District Jaunpur, which are recorded in revenue records as Shamshan/Banzar and जलमग्न/Nala respectively.

ii) Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 2 to take an appropriate action upon the application of the petitioner dated 11-9-2023, within stipulated time as directed by this Hon'ble Court (Annexure no. 1 to the writ petition).

iii) Issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to demarcate the plot no. 28 ऋ/0.202, 1/0.344, 25/0.081 and 37/0.543 hectare situated in village Kulhana Mau, Pargana Haveli, Tehsil Sadar, District Jaunpur."

4. At the very outset, learned Standing counsel came up with specific instructions which is taken on record through which it transpired that spot inspection was conducted by the revenue authorities on dated 10.10.2023 and spot memo was prepared in presence of petitioner and other villagers wherein it was found that over plot no. 28 ऋ/0.202, 1/0.344 and 25/0.081 no encroachment was found while over 0.015 hectare area of plot no. 37/0.543 hectare situated in village Kulhana Mau, Pargana Haveli, Tehsil

Sadar, District Jaunpur one Rakesh Kumar has illegally constructed school pursuant to which proceeding for eviction under Section 67 of U.P. Revenue Code, 2006 has already been initiated against him.

5. In view of the aforesaid facts and circumstances, grievance of petitioner has already been redressed and as such no cause of action survives for petitioner to pursue the instant P.I.L and the same stands ***disposed of***.

Order Date :- 13.10.2023

Shaswat