

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2308 of 2023

Petitioner :- Sandeep Kumar

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

Counsel for Petitioner :- Ashish Kumar Pandey, Dheeraj Bahadur Singh

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

Hon'ble Chandra Kumar Rai, J.

1. Learned counsel for the petitioner is permitted to implead the Tahsildar, Tahsil- Chunar, District- Mirzapur as respondent no.11 in the array of the parties to the instant P.I.L. during course of the day.

2. Heard Mr. Ashish Kumar Pandey, learned counsel for the petitioner, Mr. Govind Kumar Saxena, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pradeep Singh, learned counsel for the respondent- Gaon Sabha.

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

"i. issue a writ, order or direction in the nature of mandamus commanding and directing the respondent's authorities to remove the illegal encroachment made by the respondent no.5 to 10 over Gata no.114 area 0.09490 hectare, which is recorded as banjar land in the revenue record situated in Village- Ramraypur, Bhawanipur, District- Mirzapur.

ii. issue a writ, order or direction in the nature of mandamus to conduct an enquiry against the respondent no.5 to 10 who has occupied the land in question which is recorded as Banjar land in the revenue record and it has been extract of khatauni of fasli year 1428-1433."

4. Learned Additional Chief Standing Counsel has placed the instruction dated 10.10.2023 before the Court, which is taken on record.

5. On the basis of learned Additional Chief Standing Counsel submitted that plot no.114 area 0.9490 hectare is recorded as banjar in the revenue records and 13 cases have been registered under Section 67 of U.P. Revenue Code, 2006 against the persons who are in possession over the same. The particulars of the cases are as follows:

i. T202316530412233 (Gram Sabha vs. Raimaraypur vs. Ramkirat).

ii. T202316530412232 (Gram Sabha vs. Raimaraypur vs. Ramlakhan).

iii. T202316530412225 (Gram Sabha vs. Raimaraypur vs. Girdhar).

- iv. T202316530412230 (Gram Sabha vs. Raimaraypur vs. Koopnath).
- v. T202316530412231 (Gram Sabha vs. Raimaraypur vs. Vijayshankar).
- vi. T202316530412234 (Gram Sabha vs. Raimaraypur vs. Dayaram).
- vii. T202316530412224 (Gram Sabha vs. Raimaraypur vs. Ramji).
- viii. T202316530412236 (Gram Sabha vs. Raimaraypur vs. Mahendra).
- ix. T202316530412235 (Gram Sabha vs. Raimaraypur vs. Yogendra).
- x. T202316530412228 (Gram Sabha vs. Raimaraypur vs. Kapildev).
- xi. T202316530412229 (Gram Sabha vs. Raimaraypur vs. Shivasre).
- xii. T202316530410758 (Gram Sabha vs. Raimaraypur vs. Shivshankar).
- xiii. T202316530412227 (Gram Sabha vs. Raimaraypur vs. Akhilesh).

6. In view of the facts mentioned in the instruction dated 10.10.2023, respondent no.11-Tahsildar, Tahsil- Chunar, District- Mirzapur is directed to decide the aforementioned cases on merit in accordance with law after affording proper opportunity of hearing to both parties, expeditiously preferably within a period of six months from the date of production of certified copy of this order before him.

7. With the above observations, the instant public interest litigation is finally disposed of.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

Order Date :- 16.10.2023

Rameez