

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2383 of 2023

Petitioner :- Fateh Singh And Another

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Rekha Pundir, Ramesh Pundir

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard learned counsel for the petitioners, learned Standing Counsel for the State respondents and Shri Kaushal Kishore Mani, learned counsel for the respondent no. 11.

This writ petition has been filed seeking mandamus directing the respondent nos. 3 and 4 to immediately remove unauthorized/illegal encroachment of respondent nos. 5 to 10 from Arazi No. 138 Rakba 0.1890 Hectare, which is registered as Fertilizer Pit (Khad Ke Gaddhey) in the revenue records of Gram Sabha-Radaur, Pargana-Gangoh, Tehsil-Nakur, District Saharapur.

At the very outset Shri Kaushal Kishore Mani, learned counsel for the Gram Sabha, submits that for the relief prayed in the writ petition the petitioner is having an alternative remedy of filing application under Section 67 (1) of the U.P. Revenue Code, 2006, before the authority concerned and without availing the said remedy the present writ (PIL) has been filed.

In view of the above, the writ petition is ***disposed of*** leaving it open for the petitioner to approach the authority concerned under Section 67 (1) of U.P. Revenue Code, 2006.

Order Date :- 12.10.2023

Deepak/

(Ashutosh Srivastava, J.) (Pritinker Diwaker, C.J.)