

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2351 of 2023

Petitioner :- Basant Dubey

Respondent :- State Of U.P. And 18 Others

Counsel for Petitioner :- Nirendra Mohan

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

Hon'ble Chandra Kumar Rai,J.

1.Heard learned counsel for the petitioner, Mr. Abhisehk Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Sudhir Bharti, learned counsel for respondent No.5/Gaon Sabha.

2. Instruction dated 16.09.2023 is placed before this court, which is taken on record.

3.The instant Public Interest Litigation has been filed for the following relief:

"(i) issue a writ, order or direction in the nature of mandamus to directing the respondent Nos.2 to 4 to remove the encroachment and restore in original shape of Arazi No.89 Area 0.591 hectare recorded as navin Parti in Khatauni of Fasali Year 1428-1433 situated at Village-Haraiya Basantpur, Pargana-Silhat, Tehsil and District-Deoria within stipulated period as may be fixed by this Hon'ble Court."

4. On the basis of the instruction, Mr.Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that cases have been registered against the private respondents in respect to plot No.89. Particulars of case numbers are as follows:

- (1) Case No.T202305200112708
- (2) Case No.T202305200112707
- (3) Case No.T202305200112706
- (4) Case No.T202305200112705
- (5) Case No.T202305200112704
- (6) Case No.T202305200112703
- (7) Case No.T202305200112702
- (8) Case No.T202305200112701
- (9) Case No.T202305200112700
- (10) Case No.T202305200112699
- (11) Case No.T202305200112698
- (12) Case No.T202305200112697
- (13) Case No.T202305200112696
- (14) Case No.T202305200112695

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present P.I.L. stands **disposed of** finally with a direction to respondent No.4/ Tehsildar, Tehsil-Sadar, District-Deoria to consider and decide the aforementioned pending cases registered under Section 67 of U.P. Revenue Code 2006 in accordance with law expeditiously and preferably within a period of **four 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 :- 6.11.2023
PS*