

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2355 of 2023

Petitioner :- Munnu Prasad

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Prem Shankar Sharma

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Prem Shankar Sharma, learned counsel for petitioner, Mr. Bhupendra Kumar Tripathi, learned counsel for respondent No.4 Land Management Committee and Ms. Seema Agarwal, learned counsel for State-respondent.
2. The instant public interest litigation has been filed for quashing the allotment of Patta vide order dated 8.12.2022 in respect of Pond Plot No.153 allotted in favour of certain persons as well as for mandamus directing the respondent No.2 to decide the application dated 6.12.2022 and 6.6.2023.
3. Learned Standing Counsel on the basis of instructions dated 14.10.2023 as well as Mr. Bhupendra Kumar Tripathi, learned counsel for the Land Management Committee submitted that plot No.153 is recorded as Navin Parti in the revenue records. He further submitted that C.H. Form- 41, 45 and Khatauni of Fasli 1429-1434 are annexed along with instructions. They further submitted that proceedings for allotment has been made in accordance with law as provided under Sections 63 and 64 of U.P. Revenue Code, 2006 and allotment has been made in faovur of eligible persons. They submit that no interference is required in the matter.
4. Learned counsel for the petitioner submitted that land in dispute is pond as such, allotment cannot be made for the same. He further submitted that application filed by the petitioner be decided expeditiously, in accordance with law.
5. I have considered the argument advanced by learned counsel for the parties and perused the record.
6. There is no dispute about the fact that plot in dispute is recorded as Navin Parti and there is also no dispute about the fact that allotment proceeding is under process.

7. In view of the provisions contained under U.P. Revenue Code 2006 for cancellation of lease, the writ petition under Article 226 of the Constitution of India can not be entertained to examine the proceeding of lease.

8. The instant Public Interest Litigation is accordingly, **dismissed.**

Order Date :- 30.10.2023

Md Faisal