

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2227 of 2022

Petitioner :- Shri Niwas

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

Counsel for Petitioner :- Amit Kumar Pandey

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

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Amit Kumar Pandey, learned counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the Gaon Sabha.

2. On 28.01.2023 following order was passed by this Court:

"Counsel for the petitioner submitted that an order for ejectment and damages have been passed against respondent no.6 on 15.6.2018, under Section 67 of the U.P. Revenue Code, 2006 but till date he has not been evicted from plot no. 236, area .016 hectare which is recorded as ghada/pond.

Counsel for the petitioner prays for and is granted 10 days' time to file a supplementary affidavit, stating that the order dated 15.6.2018, has attained finality and no appeal has been filed against the same.

Put up as fresh on 17.2.2023.

Meanwhile, learned standing counsel and the counsel for the gaon sabha shall also obtain necessary instructions in the matter."

3. Mr. Amit Kumar Pandey, learned counsel for the petitioner submitted that illegal encroachment over the plot in question has been removed in pursuance of the order passed by Tehsildar under Section 67 of U.P. Revenue Code, 2006, as such no cause of action further survives in the matter.

4. In view of the statement made by learned counsel for the petitioner as well as considering the facts and circumstances of the case, the instant Public Interest Litigation is finally disposed of.

Order Date :- 28.11.2023

PS*