

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2504 of 2023

Petitioner :- Ramesh Singh

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

Counsel for Petitioner :- Dhiraj Singh

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

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Dhiraj Singh, learned counsel for the petitioner and learned Standing Counsel as well as Sri Pradeep Singh, learned counsel for the respondent.

2. The present petition has been filed seeking the following relief:-

"(I) Issue a writ, order or direction in the nature of mandamus commanding the respondents authorities to take necessary action for removing the illegal encroachment made by respondent no.5 to 10 encroachment on Sichai Vibhag (Nali) i.e. Arazi No.46, 156 MI & 179, situated at Village- Mahrabha (Ajaypur), Tehsil Bhadohi, District Bhadohi

(II) Issue a writ, order or direction in the nature of writ of mandamus commanding and directing the respondent No.3 to decide the application dated 11.07.2023 and restore the status of public utility land (Sichai Vibhag) by removing the illegal encroachment made by respondent no.5 to 10 (Annexure No.2 to this petition)

(III) Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(IV). Award the cost of this writ petition in favour of the petitioner"

3. Today when the matter has been taken up, learned Standing Counsel came up with the specific instructions which is taken on record through which it has been transpired that the proceedings under Section 70 of Northern India Canal and Drainage Act 1873

has already been initiated against the encroachers and notices have been issued against respondent nos. 5 to 10.

4. The grievance of the petitioner has already been redressed in pursuance to the prayer as made in the instant petition and as such, there is hardly any cause of action arises in favour of the petitioner to pursue the instant petition.

5. Accordingly, the present petition stands disposed of.

Order Date :- 16.11.2023

A. Tripathi