

Court No. - 47

Case :- WRIT - C No. - 37500 of 2023

Petitioner :- Alfiya Bano @ Kaifiya Shekh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Satya Prakash Singh

Counsel for Respondent :- CSC

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. The present petition has been filed for the following reliefs:

"i) To issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to 4 to remove the encroachment of the Gaon Sabha Land of Gata No. 78 area about 0.480 hectare recorded as way situated at Mahmud Sarai, Nemdand District Mau from the respondent no. 5 as the earliest.

ii) To issue a writ, order or direction in the nature of mandamus directing the respondent no. 4 to decide the case no. 202315510300907 under Section 67(1) of U.P. Revenue Code, 2006 within stipulated period as directed by this Hon'ble Court.

iii) To issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide the application of petitioner dated 23.05.2023 within stipulated period as directed by this Hon'ble Court."

3. Contention of learned counsel for the petitioner is that respondent Nos. 2 to 4 have encroached upon the land of Gaon Sabha, which is not being removed.

4. Learned Standing Counsel has raised preliminary objection that proceedings under Section 67 of U.P. Revenue Code, 2006 are pending.

5. In view of the same, I am not inclined to interfere in the matter.

6. The writ petition is **dismissed**, as the proceedings are pending, it is expected that same will be decided in accordance with law.

Order Date :- 7.11.2023

Nitika Sri.

(Manish Kumar Nigam,J.)