

Court No. - 40

Case :- WRIT - C No. - 36845 of 2023

Petitioner :- Basant Lal

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

Counsel for Petitioner :- Avanish Kumar

Counsel for Respondent :- C.S.C., Harsh Vardhan Gupta

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for State-respondent nos.1 to 2 and Sri Harsh Vardhan Gupta, learned counsel for respondent no.3.
2. The present writ petition has been preferred by the petitioners seeking direction in the nature of mandamus commanding and directing the state respondents to make proper enquiry and measurement of Gata Nos.398, 399, 400 and 404, which is recorded as public utility land situated at Near Gokul Bairaj, Bageechi Mauja Aurangabad Bangar, Tehsil Sadar, District-Mathura under the supervision of higher authority and take action against illegal encroachment made by the private respondents i.e. respondent nos.5 to 11.
3. Learned Additional Chief Standing Counsel as well as learned counsel for respondent no.3 submitted that the petitioner has got an efficacious remedy available under Section 67 of U.P. Revenue Code, 2006, in case, there is encroachment of public utility land by private respondents.
4. When confronted with this situation, learned counsel for the petitioner prayed that leave may be accorded to the petitioners to move appropriate application under Section 67 of the U.P. Revenue Code, 2006 before the competent authority.
5. Considering the facts and circumstances, without adverting any opinion on the merits of the case, we dispose of the writ petition with a direction that in case the petitioner files an appropriate proceeding under Section 67 of the U.P. Revenue Code, 2006, definitely the same would be decided as per law, expeditiously, preferably within four weeks from the date of its filing along with a certified copy of this order.

Order Date :- 12.12.2023

Manish Himwan