

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2488 of 2023

Petitioner :- Vinod Kumar

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- CSC,Manu Saxena

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Anil Kumar Mishra, learned counsel for the petitioner, learned Standing Counsel for the State-respondent and Shri Manu Saxena, learned counsel for the respondent No. 4.

2. The present writ PIL has been filed seeking issuance of a writ of mandamus commanding the respondent authorities to inquire into the matter and to take appropriate action against respondent Nos. 5 to 7, who are stated to have illegally encroached over Khasra No. 2216 recorded in the name of Nagar Palika Parishad, Mawana, Meerut.

3. As per the allegations set out in the writ PIL, it is alleged that the premises have been offered for rent and the rent thereof is being collected by the Chairman, Bhagwan Shri Ramlila Committee, respondent No. 5. Reliance has been placed on the information obtained under the Right to Information Act, which pertains to the year 2009.

4. Shri Manu Saxena, learned counsel appearing for the respondent-Nagar Palika Parishad submits that the property belongs to the Nagar Palika Parishad and the shops have been offered on rent and the rent is being collected by the Nagar Palika Parishad, Mawana, Meerut.

5. From the records, we find that the entire basis of the claim of the petitioner is based on the information obtained under the Right to Information Act as far back as in the year 2009, which is almost 14 years back. Much water has flown since then.

6. In view of the statement made by Shri Manu Saxena, learned counsel for the Nagar Palika Parishad that the property is owned

by the Nagar Palika Parishad, Mawana, Meerut and the rent is being collected by the Nagar Palika Parishad, no encroachment as alleged by the petitioner can be said to be established and as such, we are not inclined to entertain this writ PIL and the same is accordingly, ***dismissed***.

Order Date :- 7.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.) (Pritinker Diwaker, CJ)