

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2529 of 2023

Petitioner :- Mangala Upadhyay

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

Counsel for Petitioner :- Kamlesh Kumar Singh

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

Hon'ble Chandra Kumar Rai, J.

1. The instant P.I.L. has been filed for the following reliefs:-

"A. Issue a writ, order or direction in the nature of mandamus directing the concern respondent authority to recovered the amount a sum of Rs.1,01,68,000/- from the respondent no.5 regarding illegal encroachment over the plot no. 146 area 0.256 hectare recorded as bawali, arazi no. 149-Kha, area 1.584 hectare and Arazi No.223 area 0.095 hectare recorded as Taal in revenue record and Arazi No. 179 area 0.0607 hectare recorded as pokhari situated at Village- Mudahua Uttari Patti, Chaubisaha, Tehsil-Chakia, District-Chandauli pursuant to the order dated 24.02.2022 passed by Sub Divisional Officer, Chakia, chandauli in Case No.323 of 2022 Computerised Case No.T202214180200323 (State Versus Lallan Upadhyay) under Section 136 of U.P. Revenue Code, 2006.

B. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to decide the representation dated 26.06.2023 moved by the petitioner, with stipulated period as fixed by this Hon'ble Court.

C. Issue any suitable other, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case."

2. Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondent and Sri Bhupendra Kumar Tripathi, learned counsel for the respondent-gaon sabha submitted that the instant P.I.L., at the instance of the petitioner, cannot be maintained, to enforce the order passed in the proceeding under Section 136 of the U.P. Revenue Code, 2006. They further submitted that alternative remedy is available for the enforcement of the orders passed under U.P. Revenue Code, 2006.

3. In view of above, the instant P.I.L. cannot be entertained in exercise of jurisdiction under Article 226 of the Constitution of India.

4. The instant P.I.L. is dismissed.

Order Date :- 1.11.2023

C.Prakash