

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2471 of 2023

Petitioner :- Lal Bahadur Das

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Tripathi B.G. Bhai, Pramod Kumar Singh

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard Sri Pramod Kumar Srivastava, Advocate, holding the brief of Sri Tripathi B.G. Bhai, counsel for the petitioner, Sri Pankaj Kumar Gupta, learned counsel for the respondent-gaon sabha and Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondent.

2. The instant public interest litigation has been filed for the following reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus, directing the respondent authority, i.e. respondent nos. 2 to 5 to take appropriate action for removing the illegal encroachment from the plot no. 44, area, 1.140 hect. situated in village Shekhpur, Pargana and Tehsil Naugarh, District Siddharth Nagar, within stipulated period as fixed by this Hon'ble Court".

3. This Court vide order dated 27.10.2023/27.11.2023 directed the standing counsel to obtain instruction in the matter.

4. In compliance of the earlier orders of this Court dated 27.10.2023/22.11.2023, instruction dated 4.12.2023 has been placed before the Court which is taken on record.

5. Sri Abhishek Shukla, learned Addl. C.S.C., on the basis of the instruction dated 4.12.2023, submitted that a case under Section 67(1) has been registered against respondent no. 6 as Case No. T202317630108522 (Gram Sabha vs. Vineet Dubey).

6. Learned Addl. C.S.C. shall serve a copy of the instruction upon the counsel for the petitioner during the course of the day.

7. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no. 3/Tehsildar, Tehsil- Naugarh, Siddharth Nagar to decide the aforesaid proceedings under Section 67(1) of the U.P. Revenue Code, 2006, as expeditiously as possible, preferably within a period of 3 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

Order Date :- 7.12.2023/C. Prakash