

Court No. - 40

Case :- WRIT - C No. - 36784 of 2023

Petitioner :- Satya Narayan

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

Counsel for Petitioner :- Santosh Kumar Pandey, Diksha Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Santosh Kumar Pandey, learned counsel for the petitioner and Shri F.A. Ansari, learned Standing Counsel for the State-respondents.

2. The present writ petition is preferred *inter alia* with following reliefs :-

"(i) issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 1 to 6 to ensure security and safety of the petitioner which is provided under Article 21 of the Constitution of India.

(ii) issue a writ, order or direction in the nature of mandamus commanding the respondent no. 7 and their associate who were running illegal Taxi Stand in the aforesaid Pond Land regarding the Gata No. 203, Rakba about 0.105 hectare and Gata No. 204, Rakba about 0.20 hectare situated at Shyam Nagar Bhopat Patti, Police Station- Kadri Gate, District- Farrukhabad.

(iii) issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 1 to 6 to comply the strict instruction issued by the Government of Uttar Pradesh on 24.04.2022 for the illegal taxi stand which was removed from all the Districts of Uttar Pradesh on 30.04.2022.

(iv) issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 1 to 6 not to harass the petitioner in any manner on the pressure of respondent no. 7 and their associates (who were running illegal Taxi Stand) and also decide the representation/application of the petitioner on 30.09.2023 or due process of law."

3. It transpires from the record that earlier, the petitioner has preferred a Public Interest Litigation (PIL) No. 485 of 2019 (Satya Narayan v. State of U.P & 09 Others) for a direction commanding the respondent authorities to vacate the encroachment in Gram Sabha Land, Khata No. 313, Gata no. 203, Rakba 0.1050 hectare (mentioned in the revenue record as Pond) situated in Gram Sabha- Bhopat Patti, Pargana- Pahara, Tehsil- Sadar, District- Farrukhabad. The said writ petition was entertained and a detailed

order dated 08.03.2019 has been passed.

4. Learned counsel for the petitioner states that in response to the aforesaid, the proceedings under the U.P. Revenue Code, 2006 were drawn and eventually the revenue records were rectified and corrected and the Gata Nos. 203/0.105 hectare and 204/0.20 hectare was restored as Pond Land in Shreni-6(1) in the Khatauni (1423-1428 Fasli) on 28.06.2019 (01st July, 2015 to 30th June, 2021). Learned counsel for the petitioner states that in spite of the entry in the revenue record on the spot, the seventh respondent- Chaturvedi Travel through Proprietor Vimal Chaturvedi have encroached upon and running the bus-stand over the Pond land. He submits that once, the land in question has already been restored as Pond Land in the revenue record in the light of **Hinch Lal Tiwari v. Kamla Devi, 2001 (6) SCC 496**, it is paramount responsibility of the State-respondents to ensure that the pond land may not be encroached upon.

5. Shri F.A. Ansari, learned Standing Counsel very fairly states that, in case, the land is already restored as a pond land, definitely, the competent authority would ensure that the pond land may not be encroached upon. He submits that leave may be accorded to the District Level Authority to ensure for restoration of the pond land.

6. Considering the facts and circumstances, in response to the order dated 08.03.2019 passed in Public Interest Litigation (PIL) No. 485 of 2019, the revenue officials have already proceeded under the Code, 2006 and restored the entry of the aforesaid land as a pond land. We find that, in case, there is any encroachment, the same is to be removed forthwith and it is further directed that the District Magistrate, District- Farrukhabad must ensure that the pond is to be restored to its original shape. The said restoration of the pond is also to be carried out within three months, failing which, the petitioner would be at liberty once again to approach to this Court.

7. With the aforesaid leave and direction, the present writ petition stands **disposed of**.

Order Date :- 13.12.2023

Rama Kant