

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2502 of 2023

Petitioner :- Anirooddh Kushwaha

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

Counsel for Petitioner :- Tariq Maqbool Khan

Counsel for Respondent :- C.S.C.,Sudhir Bharti

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Tariq Maqbool Khan, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"i. issue a writ order or direction in the nature of mandamus directing the respondent no. 2 & 3 to remove the illegal encroachment Arazi no. 849/0.065 hectare situated of village Ahrauli, P.O/ Tehsil Khadda, District Kushinagar, made over immediate effect by the Respondent no. 6.

ii. to issue a writ order or direction in the nature of mandamus directing the respondent no. 3 to take proper action in accordance with law against the respondent no. 6."

3. At the very outset, learned Standing counsel for State respondents came up with specific instructions which is taken on record through which it has been transpired that a suit bearing no. 250/2022 for declaration of plot no. 849/0.065 hectare as abadi land is already pending in court of Civil Judge (Junior Division) Kushinagar, and during pendency of the said suit no administrative action can be initiated.

4. In view of the aforementioned facts and circumstances, during pendency of the aforesaid suit prayer sought through the instant petition cannot be acceded and as such no cause of action further survives for petitioner to pursue the instant petition and the same stands ***disposed of.***

Order Date :- 28.11.2023

Shaswat