

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2553 of 2023

Petitioner :- Indresh

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

Counsel for Petitioner :- Laloo Yadav, Ashutosh Kumar Gupta, Kiran Rani, Laxmi Shankar Yadav

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

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Laloo Yadav, learned counsel for the petitioner and Sri Dhananjay Singh, learned Standing Counsel as well as Sri Sudhir Bharti, learned counsel for Gram Sabha.

2. The present petition has been filed seeking the following relief:-

"(I) Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 & 3 authority to remove the illegal encroachment/possession by the person over the Khalihan illegally encroached by the respondent no.4."

3. At the very outset, learned Standing Counsel vehemently opposed the prayer as made in the petition by submitting that the prayer as sought through the instant petition, has already been redressed in shape of order dated 29.12.2020 under Section 67 of U.P. Revenue Code, 2006 passed by Tehsildar Nautanawa directing the respondent no.5 to be evicted from the land pertains to Gram Sabha i.e. Khalihan and as such, the present petition is not maintainable and the same may be dismissed.

4. The arguments as advanced by learned Standing Counsel seem to be forceful. Since against the respondent no.5, order of eviction has already been passed, no cause of action arises in favour of the petitioner to pursue the instant petition.

5. Accordingly, the present petition stands **dismissed**.

Order Date :- 3.11.2023

Vivek Kr.