

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2555 of 2023

Petitioner :- Uday Bhan Singh

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

Counsel for Petitioner :- Shiva Kant Dubey

Counsel for Respondent :- CSC, Azad Rai

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Shiva Kant Dubey, learned counsel for petitioner and Sri Tarun Gaur, learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"A. Issue a writ order or direction in the nature of mandamus commanding the respondents no. 2 and 3 to take all preventive measure for protection of the Khad Gaddha/tank Plot no.-587M, area 0.0040 hectare village Mendua, Tehsil Manjhanpur, District Kaushambi and also get the trespassers evicted from over the land of the aforesaid Khad Gaddha/Tank and recover the damage from them for their illegal occupation of the aforesaid Khad Gaddha/Tank, and complain to the order dated 13.07.2023.

B. Issue a writ order or direction in the nature of mandamus commanding the respondents to take an appropriate step to developed the Khad Gaddha/Tank Plot no. 587M, area 0.0040 hectare village Mendua Tehsil Manjhanpur, District Kaushambi and maintaining then same as recreational spot to meet the ecological balance."

3. At the very outset, Sri Tarun Gaur, learned Standing counsel came up with specific instructions which is taken on record, through which it has been transpired that against the order of eviction dated 13.07.2023 passed against respondent no. 5, an appeal bearing no. D202302420001019 under Section 67(5) of U.P. Revenue Code, 2006 is pending before the court of District Magistrate, Kaushambi.

4. In view of the aforementioned facts and circumstances, it is apparent that during pendency of the aforesaid appeal, 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*** accordingly.

Order Date :- 28.11.2023

Shaswat