

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2523 of 2023

Petitioner :- Kailash Yadav

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

Counsel for Petitioner :- Surendra Nath Yadav

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

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Surendra Nath Yadav, learned counsel for the petitioner and Sri Sudhir Bharti, learned counsel for the respondent No.4 and Sri Ajay Kumar Baranwal, learned Standing Counsel appearing on behalf of State respondents.

2. On previous occasion instructions have been called with regard to alleged encroachment as demonstrated through the instant petition and the action taken by the Responding Authorities for removal of the same.

3. Learned Standing Counsel came up with the instructions, through which it has been transpired that although it is admitted by State respondents that the encroachment is there, but proceeding under Section 67 of U.P. Revenue Code, 2006 has not been initiated since the village is not available in the computer portal and as such the proceeding under Section 67 of U.P. Revenue Code has not been registered through computer portal.

4. The reasons for not registering the case is highly vague and non sustainable.

5. Learned Standing counsel appearing for the State respondents is hereby requested to advice the competent authority to proceed

manually if the village has not been notified/mentioned in the computer system, the property belongs to public utility cannot be put into dependent over the computer fault whatsoever has been made either by any agency or by any specific person.

6. Learned Standing Counsel assure that he will communicate this order to the Competent Authority and if there is encroachment carried out by some persons who are not legally authorized for the same, the case under Section 67 of U.P. Revenue Code, 2006 may be registered and the manual numbers may be allocated to the same.

7. The writ petition is disposed of accordingly.

Order Date :- 22.11.2023

A. Tripathi