

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2686 of 2023

Petitioner :- Saumitra Singh

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

Counsel for Petitioner :- Saurabh Kumar Pandey, Pradeep Chauhan

Counsel for Respondent :- C.S.C., Hari Narayan Singh

Hon'ble Manish Kumar Nigam, J.

1. Case called out in the revised list. Nobody appears on behalf of petitioner.

2. Heard learned Standing Counsel and perused the record.

3. The present petition has been filed with the following prayer:

"A) To issue a writ and order in the nature of mandamus directing the respondents especially respondent no. 2 to remove the illegal possession over the pond registered in revenue record as Gata No. 320 and registered as Khasra of Zild Bandobast 1349 Gata No. 444 area 0.4 Decimal which is situated at Gaon Sabha Khiria Mukund Pargana Shamshabad Purv District Farrukhabad.

B) To issue a suitable writ, order direction in the nature of mandamus directing the respondent authorities to take appropriate action against the respondent no. 6 and 7 in pursuant to the Government Order dated 08 May, 2017 to remove the encroachment on plot no. Gata no. 320 and registered as Khasra of Zild Bandobast 1349 Gata no. 444 area 0.4 Decimal which is situated at Gaon Sabha Khiria Mukund Pargana Shamshabad Purv District Farrukhabad."

4. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy to approach appropriate authority by moving an application under Section 67 of the Uttar Pradesh Revenue Code, 2006 in view of the judgment passed by this Court in ***Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619*** as well as in **Public Interest Litigation No. 2117 of 2023 (Kanhaiya Lal v. State of U.P. and 14 others.**

5. Since the petitioner has an alternative remedy, I am not inclined

to entertain the instant petition.

6. In case, the petitioner moves an application under Section 67 of Uttar Pradesh Revenue Code, 2006, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law.

7. With the aforesaid observation, the petition is disposed of.

Order Date :- 30.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)