

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2600 of 2023

Petitioner :- Arun Kumar Chand

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

Counsel for Petitioner :- Nar Singh, Poonam Singh Sengar

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Mr. Abhinav Ojha has placed the instruction dated 07.11.2023 before the Court, which is taken on record.

2. Heard Counsel for the petitioner and Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents.

3. The instant writ petition has been filed for the following relief:

"(I) issue a writ, order or direction in the nature of mandamus commanding/ directing the respondent No.2 to remove the encroachment/ house which was illegally constructed by the respondent No.5 and 6 over the Arazi/ Gata No.196 measuring area 0.016 hectare which was recorded as Pond in Revenue Record."

4. Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents on the basis of the instruction dated 07.11.2023 submitted that against the order dated 09.09.2022 passed by Tehsildar restoration application dated 26.12.2022 has been filed by respondent No.6-Prem Sagar, which is still pending before Tehsildar, Tehsil-Sadar, District-Deoria and the next date fixed in the restoration matter is 12.12.2023. He further submitted that after disposal of the restoration proceeding, the proper proceeding for removal of the encroachment shall be taken.

5. Learned counsel for the petitioner submitted that there is no interim order against the final order passed on 09.09.2022 passed by Tehsildar, Sadar, District-Deoria, as such

encroachment is to be removed in pursuance of the order dated 09.09.2022.

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the instant Public Interest Litigation stands **disposed of** finally with a direction to respondent No.4/ Tehsildar, Sadar, District-Deoria to decide the restoration application dated 26.12.2022 filed by respondent No.6 Prem Sagar against the order dated 09.09.02022 passed in case No 8950 of 2022 computerized Case No. T202205200108950 in accordance with law expeditiously and preferably within a period of **two months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 5.12.2023
PS*