

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2624 of 2023

Petitioner :- Smt. Sanjana Singh

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

Counsel for Petitioner :- Surya Prakash Pathak, Chandra Prakash Pathak, Dinesh Kumar, Jawahar Lal Dubey

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Sri Bhupendra Kumar Tripathi, learned counsel for the respondent-gaon sabha and Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondents.

2. The instant P.I.L. has been filed for the following reliefs:-

"(a) Issue a writ order or direction into the nature of mandamus by directing the respondent no. 2&3 to take action against the respondent no.6 by removing illegal encroachment from Arazi No. 302 which is registered in revenue records as "Pond" and Arazi No.307 which is registered in revenue records as "Bhita" situated in Village- Hilali, Pargana- Gadwara, tehsil- Badlapur, Distirct- Jaunpur.

(b) Issue a writ order or direction into the nature of mandamus commanding the respondent no.6 that he vacate the Arazi Nos. 302&307, which are recorded in revenue record as "Pond and Bhita", to meet the ends of justice.

(c) Issue a writ order or direction in the nature of mandamus commanding the concerned respondents to demark between the Arazi No.306 (allotted for Panchayat Bhawan) & Arazi No.307 (allotted for Bhita).

(d) Issue a writ order or direction in the nature of mandamus commanding the concerned respondents to take proper action against the Gram Pradhan for misusing the government money.

(e) Issue any other writ, order or direction in favour of the petitioner, which the Hon'ble Court may deem fit and proper in the circumstances of the case.

(f) Award the costs of petition to the petitioner."

3. Sri Bhupendra Kumar Tripathi, learned counsel for the respondent- gaon sabha, on the basis of the instruction dated 6.12.2023, which is taken on record, stated that plot no.302, area 0.632 hect. is recorded as submerged land over which the construction of the water tank is going on under the scheme of the government as no other suitable plot is available for the construction of the water tank. He further submitted that plot no.306, area

0.012 hect. is reserved for panchayat bhawan over which panchayat bhawan has already been constructed. He further submitted that plot no. 307, area 0.020 hect. is reserved for bhita and some area of panchayat bhawan is also lying over the bhitta land. He further submitted that the sitting Pradhan has not encroached plot nos. 302, 306 & 307 which are public utility land and the water tank as well as the panchayat bhawan have been constructed over the plot in the public interest.

4. Considering the entire facts and circumstances of the case as well as in view of the averments made in the instruction, no interference is required in the matter.

5. The instant P.I.L. is dismissed accordingly.

Order Date :- 6.12.2023

C.Prakash