

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2654 of 2023

Petitioner :- Radhika Devi

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Anup Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus directing the respondents to remove illegal constructions allegedly raised by respondents no. 5 to 8 over a public rasta.
2. Under Section 26 of the U.P. Revenue Code, 2006 the Tehsildar is invested with power to remove encroachments over public road path or common land of village or any obstruction on the road.
3. Having regard to the aforesaid provisions, we leave it open to the petitioner to approach the concerned Authority for redressal of her grievance and in which event, the Authority will examine the complaint and will decide as to whether any proceeding has to be initiated under Section 26 of the U.P. Revenue Code, 2006 or not. In case, he comes to the conclusion that there is any obstruction, he will initiate proceedings and take the same to its logical conclusion, strictly following the procedure prescribed under law.
4. The petition stands **disposed of**, accordingly.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 17.11.2023

Ruhi H.