

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2615 of 2023

Petitioner :- Munendra Singh

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

Counsel for Petitioner :- Madhu Ranjan Pandey

Counsel for Respondent :- C.S.C.,Avinash Chandra Srivastava

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Madhu Ranjan Pandey, learned counsel for petitioner and Sri Satyendra Bhushan Dubey, learned Standing Counsel for the State-respondent nos.1 to 4 as well as Sri Avinash Chandra Srivastava, learned counsel for petitioner.

2. Present petition has been filed seeking a direction in the nature of mandamus to be issued in favour of the respondents to remove the illegal encroachment made by respondent no.7 into the premises of Girls Primary School Himayunpur, Tehsil Bhogaon, District Mainpuri which is situated over Gata No.787.

3. Today when the matter has been taken up, learned Standing Counsel came up with the specific instructions which are taken on record through which it has been transpired that the proceedings under Section 67 of the U.P. Revenue Code, 2006 has already been initiated against the encroachers, wherein next date was fixed for 09.11.2023.

4. Learned counsel for petitioner submitted that the concerned Lekhpal is in collusion with respondent nos.6 and 7 and he is placing report which is not factual in nature and the matter may not be decided as it is factually proved that certain area of Girls Primary School Himayunpur, Tehsil Bhogaon, District Mainpuri has already been encroached by respondent nos.6 and 7.

5. Learned counsel for petitioner sought the attention of the Court over an application preferred by the Head Mistress of Girls Primary School Himayunpur placed before District Basic Education Officer, Mainpuri.

6. Once the proceedings under Section 67 of U.P. Revenue Code, 2006 has already been initiated, there is hardly any cause of action arises in favour of the petitioner to pursue the instant petition, however respondent no.4 is hereby directed to consider

the factual position as narrated by the Head Mistress of Girls Primary School Himayunpur as submitted before District Basic Education Officer, Mainpuri, if required, statement of the Head Mistress may also be recorded for arriving over the conclusion of proceedings initiated under Section 67 of U.P. Revenue Code, 2006.

7. Writ petition stands **disposed of** accordingly.

Order Date :- 21.11.2023

Vivek Kr.