

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2632 of 2023

Petitioner :- Dayashankar Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Bhagwan Singh Yadav

Counsel for Respondent :- C.S.C.,Rameshwar Prasad Shukla

Hon'ble Saurabh Srivastava,J.

1. Heard Shri Bhagwan Singh Yadav, learned counsel for the petitioner and Shri Ishrar Ullah, learned Standing Counsel appearing on behalf of respondent nos. 1 to 3 and Shri Rameshwar Prasad Shukla, learned counsel for Gaon Sabha who received notice but as usual absent at the time of taking up the matter.

2. The entire dispute raised through the instant petition is arising out of the incorrect map as indicated by the petitioner which enables some person to encroach over the land which has to be notified which was entered in the revenue records as drainage. But after operation of the consolidation the same has been incorrectly mentioned in the record map along with the portion of some another plot which was recorded as Abadi.

3. On earlier occasion specific PIL has been instituted by the petitioner for seeking direction in the nature of mandamus commanding the respondent for removal of the encroachment as carried out by certain persons over the plot No.144 situated at Village Narauni, Post Allauddinpur, Tehsil- Mohammdabad Gohana, District- Mau, and the same was demarcated by the revenue authorities in pursuance to the latest map available which was not in consonance with the revenue records available after operation of the consolidation, and as such, no encroachment has ever been determined by the competent revenue authorities which was actually raised over Plot No.144 as mentioned to the instant petition.

4. Learned Standing counsel Shri Ishrar Ullah has submitted that no encroachment has been found over Plot No.144 but for public utility a washroom has been constructed over the portion of land of Plot No.144.

5. Learned counsel for the petitioner repeatedly submitted that the

determination whatsoever has been drawn by the competent revenue authorities are on the basis of the available map which is incorrect and, since Plot No.144 has been clubbed with the another Plot No.158 and as such during course of demarcation it is almost impossible to determine any encroachment carried out specifically by respondent no.5.

6. On precise query made before learned counsel for the petitioner at any point of time, the correctness and genuineness of the available revenue map has ever been highlighted or indicated by the petitioner to the concerned revenue authorities or through land management committee, and in response to the same learned counsel for the petitioner relied upon the representation made by the petitioner on dated 22.08.2023, before District Magistrate, District Mau.

7. After perusal of the representation dated 22.08.2023 it has been transpired that at no point of time the specific averment has been made by the petitioner with regard to reflecting the incorrect map prepared after consolidation, whereas Plot No.144 as well as 158 are the separate one under CH Form-41 and 45. The core issue and bone of contention has never been pointed out before the competent authority which might be cause of action arising in favour of the petitioner for filing earlier PIL as well as the instant PIL.

8. The grievances of the petitioner may be redressed in the interest of public at large if the competent revenue authority may revisit the map prepared after consolidation in consonance with the entries available in CH Form-41 and 45 prepared during operation of the consolidation.

9. In view of the aforementioned facts and circumstances respondent no.2 is hereby directed to personally look into the matter with regard to the correction of map pertaining to Plot No.144 and 158 situated at Village Narauni, Post Allauddinpur, Tehsil- Mohammdabad Gohana, District- Mau.

10. The above mentioned exercise shall be finalized as expeditiously as possible within four months from the date of production of a certified copy of this order.

11. Accordingly, the instant petition stands **disposed of**.

Order Date :- 23.11.2023/A Gautam