

**Court No. - 51**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2664 of 2023

**Petitioner :-** Shyam Sundar Prajapati

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

**Counsel for Petitioner :-** Ram Anuj Prajapati

**Counsel for Respondent :-** C.S.C.,Praveen Kumar Giri

**Hon'ble Chandra Kumar Rai,J.**

1. Learned counsel for the petitioner is permitted to implead the Tehsildar concerned as respondent no.8 in the writ petition.

2. Heard learned counsel for the petitioner, Ms. Seema Agarwal, learned standing counsel for the state-respondents and Mr. P.K. Giri, learned counsel for respondent no.5-Municipal Commissioner, Varanasi.

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

**"a) To, issue a writ, order or direction in the nature of mandamus directing to respondents to take appropriate action according with law against for illegal encroachment and construction above the land of the public property i.e. Drain No. 502 area 0.0160 Hectare and Drain No.487 area 0.0060 Hectare situated Village Hatiya, Pargana Shivpur, Tehsil Sadr Varanasi, District Varanasi and to get the land vacated from such illegal encroachments;**

**b) To issue a writ, order or direction in the nature of mandamus directing to respondents to take appropriate action against respondents No. 6 & 7 encroacher and Bhu Maphia under section 3/5 of Public Property damages and Demolition Act, 1984; during the pendency of the instant writ petition before this Hon'ble High Court;**

**c) To, issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances as of the case; and**

**d) To, award cost of the writ petition to the humble petitioner throughout."**

4. Sri P.K. Giri, learned counsel for respondent no.5, on the basis of instruction dated 17.11.2023, which is taken on record, states that plot no. 487, area 0.0060 hect. is free from encroachment and plot no.502, area 0.0160 hect. is in illegal possession of respondent no.7, accordingly, proceeding under Section 67 has been registered against respondent no.7 as Case No.T202314700134202.

5. Ms. Seema Agarwal, learned standing counsel submitted that since the proceeding under Section 67 of the U.P. Revenue Code, 2006 has been registered against respondent no.7, as such, the same will be decided in accordance with law.

6. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.8/Tehsildar, Sadar, Varanasi to decide the aforesaid proceedings under Section 67 of the U.P. Revenue Code, 2006, as expeditiously as possible, preferably within a period of 3 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law

**Order Date :-** 28.11.2023

C.Prakash