

Court No. - 32

Case :- WRIT - C No. - 39407 of 2023

Petitioner :- Deepu Khatik

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

Counsel for Petitioner :- Jitendra Kumar Yadav

Counsel for Respondent :- CSC

Hon'ble Salil Kumar Rai,J.

Hon'ble Surendra Singh-I,J.

The grievance of the petitioner in the present petition is that influential persons of the Village have encroached over the Gaon Sabha property and no action is being taken by the Revenue Officers against the said persons despite repeated application filed by the petitioner. It is also the grievance of the petitioner that because the petitioner had filed application before the Revenue Officers bringing to their notice the illegal encroachment by the influential persons of the Village, the said persons have criminally assaulted the petitioner and his family members and have also threatened the petitioner and his family members of physical hurt.

So far as encroachment over the Gaon Sabha property is concerned, the petitioner has the remedy to file appropriate application before the Assistant Collector under Section 67 of the U.P Revenue Code, 2006 read with Rule 67 of the U.P Revenue Code Rules, 2016 which if filed, shall be considered by the Assistant Collector, Class-I in accordance with law. So far as the grievance of the petitioner that he and his family members are being criminally assaulted by the influential persons, the petitioner has the remedy to lodge a F.I.R before the concerned Police Station and in case the said F.I.R is not registered, the petitioner has the remedy to file an application under Section 156(3) of the Code of Criminal Procedure, 1973 and also to file an application before the concerned Superintendent of Police.

In view of the aforesaid, It is not a fit case for interference by this Court under Article 226 of the Constitution of India at this stage.

The petition is **dismissed**.

Order Date :- 16.11.2023

IB