

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2692 of 2023

Petitioner :- Jai Prakash Chaudhary

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ganesh Kumar

Counsel for Respondent :- C.S.C., Anand Kumar Srivastava

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The writ petition has been filed for the following relief:

"A. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2/District Magistrate, Basti to consider the report dated 02.05.2022 and decide the application of the petitioner dated 12.06.2023.

B. Issue a writ, order or direction in the nature of Mandamus directing the State respondents to take the necessary action against the respondent no. 4 to 6 for removal of the illegal encroachment over the plot no. 71K area 0.496 hectare (recorded as pond) situated in Villgae Jivdharpur Rai, Tappa Puraina, Pargana Amodha, Tehsil Harraiya, District Basti."

3. Learned Standing Counsel raised a preliminary objection that the petitioner is not a party to the aforesaid proceedings, therefore, the writ petition at his behest is not maintainable.

4. In view of the above, I am not inclined to interfere in the matter.

5. However, in case, there is an encroachment, the petitioner is at liberty to move appropriate application under the relevant provision of law, as applicable, which shall be decided in accordance with law.

6. With the aforesaid observation, the writ petition is disposed of.

Order Date :- 30.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)