

**Court No. - 90**

**Case :-** APPLICATION U/S 482 No. - 43107 of 2023

**Applicant :-** Om Prakash Yadav

**Opposite Party :-** State Of U.P. And 4 Others

**Counsel for Applicant :-** Arvind Kumar Maurya

**Counsel for Opposite Party :-** G.A.

**Hon'ble Vinod Diwakar,J.**

1. Sri Arvind Kumar Maurya, learned counsel for the petitioner, requests for expeditious disposal of the Case No. R.S.T. 40 of 2015 (Computerized Case No. T201505200100017) (Om Prakash Vs. Baghela etc.) under Section 133 Cr.P.C.

2. Learned counsel for the petitioner submits that the instant matter has been remanded thrice by the first revisional court to the Court of Magistrate for early disposal of the application under Section 133 Cr.P.C.

3. In nutshell, dispute is that the respondents no. 2 to 5 encroached upon a *Kachcha Rasta* by creating a boundary wall and installed a gate which is causing inconvenience to the co-villagers. The Magistrate, before passing any order, referred the matter to the Naib-Tehsildar for seeking enquiry with respect to the possession and ownership right of the disputed place and on enquiry, the Naib-Tehsildar submitted the report, observing that the private respondents have encroached upon public road which is causing inconvenience to the other co-villagers as obstructing their movement.

4. In view of above, the Naib-Tehsildar and S.H.O. concerned are directed to conduct a spot inspection of the place in question, together and do the needful within a month from the date of receipt of copy of this order. The spot inspection shall be conducted in

presence of the Police and the S.D.M. shall ensure that the encroachment, if any found, shall immediately be removed. For execution of this order, Superintendent of Police will ensure presence of sufficient Police force as he may deem necessary and adequate.

5. With the aforesaid observations/directions, the writ petition is disposed of.

**Order Date :- 2.12.2023**

P.Sri.

(Vinod Diwakar, J.)