

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2685 of 2023

Petitioner :- Dinesh Rai

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

Counsel for Petitioner :- Upendra Kumar Rai

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

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the petitioner, Sri Manoj Kumar Pandey and Sri Rameshwar Prasad Shukla, learned counsel for the respondents and learned Standing Counsel and perused the record.

2. The present petition has been filed with the following prayer:

"a) Issue a writ, order or direction in the nature of mandamus commanding/directing the state respondents (respondent no. 1, 2, 3 and 4) to take appropriate action against the respondent no. 5 and 6 to remove the encroachment upon public utility land which registered in revenue records i.e. bearing Arazi No. 157/0.1060 as Gada Land, 158/0.400 and 159/0.0770 registered as Banjar land situated at Village Mallapur, Bujurg, Tehsil Sagadi, District Azamgarh in the interest of justice and Public Interest within stipulated period as prescribed by this Hon'ble Court."

3. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy to approach appropriate authority by moving an application under Section 67 of the Uttar Pradesh Revenue Code, 2006 in view of the judgment passed by this Court in ***Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619*** as well as in **Public Interest Litigation No. 2117 of 2023 (Kanhaiya Lal v. State of U.P. and 14 others.**

4. Since the petitioner has an alternative remedy, I am not inclined to entertain the instant petition.

5. In case, the petitioner moves an application under Section 67 of Uttar Pradesh Revenue Code, 2006, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law.

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

Order Date :- 30.11.2023

Ved Prakash