

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2694 of 2023

Petitioner :- Ramayan Gupta

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

Counsel for Petitioner :- Anurag Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner and Mr. Abhishek Shukla, learned Addl. C.S.C. for the state-respondents.

2. The instant P.I.L. has been filed for the following reliefs:-

"(a) Issue a writ, order or direction in the nature of mandamus, directing respondent nos. 2 & 3 to take action against respondent nos. 4 to 7 by removing illegal encroachment from arazi no.591/0.134 hect. which is recorded in *khatauni* as road.

(b) Issue a writ, order or direction in the nature of mandamus, commanding respondent nos. 4 to 7 that they will vacate the arazi nos. 591/0.134 hect. which is recorded in *khatauni* as road to meet the ends of justice."

3. Counsel for the petitioner submitted that the plot in dispute is recorded as road in the revenue records and private respondent nos. 4 to 7 are in illegal possession over the same. It is also submitted that the proceeding under Section 67 of the U.P. Revenue Code, 2006 being Case No.1810/2023 (T202305440301810) has been registered against the private respondents which is pending before respondent no.3/ Tehsildar, Tehsil Tamkuhiraj, Kushinagar. It is also submitted that earlier P.I.L. No.578/2023 was disposed of vide order dated 15.3.2023 with the observation that since the proceeding under Section 67 of the U.P. Revenue Code, 2006 has already been registered, as such, no direction can be issued by this Court. He submitted that necessary direction be issued for expeditious disposal of pending case under Section 67(1) of the U.P. Revenue Code, 2006.

4. On the other hand, Sri Abhishek Shukla, learned Addl. C.S.C. submitted that the earlier P.I.L. filed on behalf of the petitioner, for the same cause of action, has been disposed of, as such, the instant P.I.L. for the same cause of action cannot be entertained.

5. I have heard the arguments advanced by the learned counsel for the parties and perused the records.

6. Since the earlier P.I.L. No.578/2023 filed on behalf of the petitioner for the same cause of action, has already been disposed of vide order dated

15.3.2023, as such, the instant P.I.L. for the same cause of action cannot be entertained.

7. The instant P.I.L. is dismissed.

Order Date :- 1.12.2023/C.Prakash