

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2711 of 2023

Petitioner :- Ramdhani Maurya

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

Counsel for Petitioner :- Pramod Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.
2. The present writ petition has been filed for prayer of mandamus directing the respondent no. 4 to take appropriate action in view of the order dated 29.11.2018 passed in Case No.04930 of 2018, Computerized Case No.T201802420404930, under Section 67 of UP Revenue Act, 2006, whereby the respondent no.5 was directed to remove the illegal encroachment made in the pond's land i.e. Gata No.868 area 0.5710 hectare situated at Village Kanwar North, Pargana Kara, Tehsil Sirathu, District Kaushambi and also imposed fine the sum of Rs.3800/- against him, within stipulated period.
3. Contention of the learned counsel for the petitioner is that despite orders under Section 67 of the UP Revenue Act, 2006, land has not been made encroachment free.
4. A preliminary objection has been raised by learned Standing Counsel for the State that the writ petition is not maintainable for execution of orders passed by the Revenue Court in view of the judgment of Division Bench of this Court in case of **Manbhavati Vs. State of U.P. and others reported in 2020 1 AWC 789A and Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**.
5. Accordingly, the writ petition is dismissed.

Order Date :- 24.11.2023

Priya