

Court No. - 47

Case :- WRIT - C No. - 42091 of 2023

Petitioner :- Shilchand

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ashiyam Nasir, Shabeena Begum

Counsel for Respondent :- C.S.C., Arun Kumar Pandey

Hon'ble Manish Kumar Nigam, J.

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

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

"a) Issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 (S.D.M., Dhanaura) removing the encroachment and correct the measurement of the gata no.29 (chakroad)."

3. Learned Counsel for the petitioner submitted that he has filed an application under Section 24 of the U.P. Revenue Code, 2006 on 17.7.2023, which is pending. It has been further contended that there are encroachments over the land in dispute which are also to be removed.

4. Learned Standing Counsel has submitted that the application under Section 24 filed by the petitioner may be directed to be decided. So far as the encroachments part is concerned, the petitioner may move an appropriate application under Section 26 of the U.P. Revenue Code in view of the judgments passed by this Court in case of **Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619** and in **Public Interest Litigation (PIL) No.2117 of 2023 (Kanhaiya Lal vs. State of U.P. and 14 others), decided on 27.9.2023.**

5. No useful purpose would be served in keeping this petition pending

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands **disposed of** finally with a direction to respondent No.2, Sub Divisional Magistrate, Tehsil-Dhanaura, District-Amroha to consider and decide the proceedings under Section 24 of the U.P. Revenue Code, 2006 in accordance with law, expeditiously, preferably within a period of three months. In case the petitioner moves an application under Section 26 of the U.P. Revenue Code, 2006 for removal of *Chakroad*, the same will be considered and decided expeditiously after hearing all the parties concerned.

Order Date :- 6.12.2023

S. Singh