

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2764 of 2023

Petitioner :- Ramsarikh

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

Counsel for Petitioner :- Gokaran Singh

Counsel for Respondent :- CSC, Rameshwar Prasad Shukla

Hon'ble Chandra Kumar Rai, J.

1. Heard Shri Gokaran Singh, Counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State - respondents and Mr. Rameshwar Prasad Shukla, learned counsel for the respondent - Gaon Sabha.

2. The instant writ petition has been filed seeking following relief :-

"i) Issue a writ order or direction in the nature of mandamus directing to the respondent No.3 to remove the illegal encroachment made by the respondent no.5 to 6 over the Arazi No.1300m area 0.0810, Arazi No.1278 area 0.3040 Hectare, ARazi No.1306, area 0.0080 Hectare, which is record in revenue record as Khlihan, Pond and Saurahan land, situated in Village - Sikari Kok, Pargana Natthupur, and Tehsil - Madhuban, District - Mau.

ii) Issue a writ order or direction in the nature of mandamus directing to the respondent No.3 to decide the representation of the petitioner dated 17.07.2023 and remove the illegal encroachment on Khlihan, Poind, and Saurahan land Arazi No.1300, area 0.0810, Arazi No.1278 area 0.3040 Hectare, Arazi No.1306, area 0.0080 Hectare, situated in Village - Sikari Kol, Pargana Natthupur, and Tehsil - Madhuban, District Mau."

3. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State - respondents has placed reliance upon the instructions sent by the Tehsildar dated 2.12.2023 which is taken on record.

4. On the basis of instructions, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State - respondents submitted that three cases have been registered against the persons who are in possession over plot No.1300 (Khlihan) & 1278 (submerged land). He further submitted that plot No.1306 area 0.0080 Hectare (Saurahan) is free from encroachment. The particulars of the registered

case are as follows :-

(i) T202215510303757, (ii) T202215510303758 and (iii) T202315510300365.

5. In view of the registration of aforementioned three cases under Section 67(1) of the U.P. Revenue Code, 2006, the instant public interest litigation is finally **disposed of** with a direction to respondent No. 3 - Assistant Collector, Paragana Natthupur, and Tehsil Madhuban, District Mau, to decide the aforementioned three cases, in accordance with law, expeditiously and preferably within a period of **three months** from the date of production of certified copy of this order after giving opportunity of hearing to all the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 7.12.2023

Vandana Y.