

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 310 of 2023

Petitioner :- Rajendra Prasad Dwivedi And 2 Others

Respondent :- State Of U.P. Thru. Prin. Secy. (Revenue), Lko. And 8 Others

Counsel for Petitioner :- Aditya Narayan Yadav,Pooja Devi

Counsel for Respondent :- C.S.C.,Mohd. Ali

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Rajan Roy,J.

Heard learned counsel for the parties.

This petition has been filed styled as Public Interest Litigation seeking following relief :

"I. Issue a writ, order or direction in the nature of Mandamus thereby commanding to the opposite party no. 2 to 4 to restrain the opposite party no. 7 and 8 and other person neither sell out nor construction of the houses of the entire land relating Gata No. 7023Min/3.49A, Gata No. 7054/0.18A, Gata No. 7060/0.18 A, Gata No. 7171/2 0.25A, Gata No. 7199/1 2.06 A, Gata No. 7202/0.53A recorded as Nan Z.A. (ziman-9) land of water account in the revenue records in Fasli Year 1428-1431 F total Gatas 29 and Total Land 42-20 H District - Balrampur and further direct to demolish the illegal possession of the entire land of water account in the revenue records in Fasli Year 1428-1431 F total Gatas - 29 and Total Land 42-20 H District - Balrampur.

II. Issue a writ, order or direction in the nature of Mandamus thereby commanding to the opposite party no. 2 to decide the representation 04-02-2023 as contained in Annexure no. 5 to this petition."

The State has filed a counter affidavit in the matter, which is taken on record. According to the averments made in the counter affidavit, considering the pleadings in the writ petition a six member committee was constituted by the Sub Divisional Magistrate concerned, which has conducted an inspection of the land in question and submitted its report on 7.5.2023. According to the report, there is no encroachment and construction of building over the land mentioned in the writ petition. In respect of some land, some co-tenure holders are recorded and they are in possession.

In view of above, we see no reason to proceed further in the matter, leaving it open to the petitioners, if they have a cause and locus, to pursue other remedy available in law.

The petition is dismissed with the aforesaid liberty.

Order Date :- 17.5.2023/nd