

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 19437 of 2020

Petitioner :- Raj Kumar And Ors.

Respondent :- State Of U.P. Thru. Prin.Secy. Public Works Deptt. Lko.
Andors

Counsel for Petitioner :- Brijesh Kumar Pandey,Dileep Kumar
Illegible,Indrajeet Shukla,Vijay Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker,Chief Justice
Hon'ble Rajan Roy,J.

Heard learned counsel for the parties.

Grievances of the petitioners are that encroachments have been made by some private persons on the government land and therefore, direction may be issued to the respondents for removing the said encroachments.

While referring to paragraph 12 of the counter affidavit, State counsel submits that a number of encroachments have already been removed and if anything is left, the same will also be removed.

Considering the submissions made by State counsel, nothing survives in this petition to be adjudicated.

Moreover, present petition has been filed alleging certain private persons to be the encroachers but those persons have not been joined as a party and on this count alone, we could have dismissed the writ petition but we have not done so. Further, a number of disputed question of facts are involved, which cannot be gone into a writ petition filed under Article 226 of the Constitution of India.

The writ petition is, accordingly, disposed of leaving it open to the petitioners that in future if any such encroachment is made, they may approach the authority concerned.

Order Date :- 19.5.2023
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(Rajan Roy, J.) (Pritinker Diwaker, C.J.)