

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 813 of 2023

Petitioner :- Mohd. Akram

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Govt. Civil Sectt. Lko. And 6 Others

Counsel for Petitioner :- Vishwa Nath Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Mrs. Jyotsna Sharma,J.

1. The instant petition filed in public interest seeks a direction to opposite parties no.2 and 3 to remove illegal encroachments allegedly made by opposite parties no.4 to 7 over public utility land-khalihan (Gata no.295) area 0.101 situated at village-Pawana, Pargana-Hisampur, Tehsil-Kaiserganj, District Bahraich.

2. Learned standing counsel submits that the petitioner has an alternative efficacious remedy of approaching the Assistant Collector for redressal of his grievance as per provisions of Section 67 of the U.P. Revenue Code, 2006.

3. We find force in the argument of learned standing counsel. Under Section 67 of the U.P. Revenue Code, 2006 the Assistant Collector has been conferred with power to ascertain whether any damage has been caused to any public property on account of wrongful occupation and to evict such a person after due opportunity of hearing to him.

4. Accordingly, petition is **disposed of** with liberty to avail remedy provided under Section 67 of the U.P. Revenue Code, 2006. It is further provided that in the event the petitioner avails such remedy, the Assistant Collector shall decide the proceedings expeditiously after due notice and opportunity of hearing to the persons likely to be affected thereby.

(Jyotsna Sharma,J.) (Manoj Kumar Gupta,J.)

Order Date :- 5.9.2023

Asha