

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 818 of 2023

Petitioner :- Ram Kewal Morya

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Lko And 12 Others

Counsel for Petitioner :- Ashutosh Mishra

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Alok Mathur,J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 to 4.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. By means of the present writ petition, the petitioner has sought a direction to respondent Nos. 2 to 4 to remove the illegal encroachment of private respondents over the chak marg situated at Gata no.2051 in village - Shivgarh, Pargana - Chanda, Tehsil - Lambhua, District - Sultanpur.
4. It has been submitted that Gata No.2051 having area 0.0240 hectare is recorded as Chak Marg land in revenue records of village - Shivgarh, Pargana - Chanda, Tehsil - Lambhua, District - Sultanpur and the same is used by the villagers for their passage to their fields and for several other purposes such as transportation and private respondents have illegally encroached over some area of Gata No.2051 by making construction over some area of aforesaid gaon sabha land and now they are claiming Gata No.2051 Gaon Sabha Land to be their ancestral property and they are adamant to make constructions over the land. It has also been stated that petitioner has made complaints in this regard to the competent authority but no action has been taken by them consequently present writ petition has been filed .
5. Learned Standing Counsel on the basis of instructions has submitted that with regard to encroachment over various rakbas related to Gata No. 251 proceedings under Section 67 of U.P. Revenue Code, 2006 have already been initiated

and case No. T202204680303693 (Gaon Sabha Vs. Lal Chandra), case No. T202204680303694 (Gaon Sabha vs. Anuj), case No. T202204680303695 (Gaon Sabha vs. Vijay Kumar) and case No. T202204680303696 (Gaon Sabha vs. Anmol), Case No. T202204680303697 (Gaon Sabha vs. Om Prakash) Case No. T202204680303698 (Gaon Sabha vs. Sunil Kumar) and case no. T202204680303699 (Gaon Sabha vs. Rahul) are pending before the competent authority and only after orders are passed, necessary action will be taken against the encroachers.

6. In light of the above, considering the fact that proceedings in accordance with law, i.e. U.P. Revenue Code, 2006 have already been initiated for eviction against the unauthorised occupants, no further directions are required by this Court in exercise of powers under Article 226 of Constitution of India.

7. However, the competent authority is directed to expedite the hearing in the aforesaid cases and pass necessary orders expeditiously.

8. With the above observations / directions, the writ petition stands disposed of.

Order Date :- 12.10.2023

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(Alok Mathur, J.)