

Court No. - 8

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 844 of 2023

Petitioner :- Baccha Lal

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Govt. U.P.
Lko. And 14 Others

Counsel for Petitioner :- Vimal Kishor Singh

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

1. The present petition has been filed with the following prayers :

"(i) Issue a writ, order or direction in the nature of Mandamus commanding and directing the Opposite Party No.2 & 3 to remove/ demolish the illegal encroachment from the illegal possession of Opposite Party No.4 to 15, over the Land Gata No. 233, old Gata No.1856/1, area 14.96 acre, situated in Village Vishambharpur, Pargana & Tehsil - Utraula, District - Balrampur, which is recorded as Pond in the revenue records, by following the verdict of the Hon'ble Supreme Court in the case of Hinchlal Tewari Vs Kamla Devi (2001) 6 SCC 496.

(ii). Issue a writ, order or direction in the nature of Mandamus commanding and directing the Opposite Parties to get free the lands in question bearing Land Gata No. 233, old Gata No.1856/1, area 14.96 acre, situated in Village - Vishambharpur, Pargana & Tehsil - Utraula, District - Balrampur, which is recorded as Pond in the revenue records, forthwith and to restore its original position in the interest of justice."

2. The allegations made in the petition have been denied in the counter affidavit.

3. Considering the fact that the factual dispute has arisen, the present petition is ***disposed off*** directing the petitioner to file a proper application under section 67 of the U.P. Revenue Code, which shall be decided in accordance with law and after considering the evidence with all expedition preferably within a period of four months.

Order Date :- 13.10.2023

VNP/-