

Court No. - 8

Case :- WRIT - C No. - 8778 of 2023

Petitioner :- Suresh Pandey

Respondent :- State Of U.P. Thru. District Magistrate Pratapgarh And 5 Others

Counsel for Petitioner :- Priyanka, Vina Gupta

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Pankaj Bhatia, J.

1. Present petition has been filed by the petitioner stating that respondent no.6 has encroached a part of the land, which according to the petitioner, is a public passage. The claim of the petitioner is that the land situate at Gata No.221 is a land earmarked in the Category 6-2, however, the same is being used as a passage by the villagers since long.

2. It is also on record that in respect of the land in question, a dispute arose in between the petitioner and respondent no.6, which according to the petitioner, was compromised and a compromise deed is placed on record as Annexures - 4 & 5.

3. In the light of the said, the allegation of the petitioner is that the encroachment done by respondent no.6 should be removed by exercising the power under Section 67 of U.P. Revenue Code.

4. Learned Standing Counsel, based upon instructions, states that in between the parties, Suit No.1874 of 2020 was also initiated, however, the same has been dismissed on account of non-prosecution. It is also stated that over the land in question, no road/chak marg exists and the land in question falls in the category 6-2 as Abadi.

5. Considering the *inter se* dispute in between the parties, the petitioner seeking relief under these proceedings is not an appropriate remedy. The petitioner, if so advised, may approach the Civil Court for the reliefs as claimed before this Court, which shall be taken forward in accordance with law.

6. The writ petition is ***disposed off*** in above terms.

Order Date :- 17.10.2023

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