

**Court No. - 17**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 874 of 2023

**Petitioner :-** Ajay Kumar Yadav

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Revenue Deptt. Lko. And 5 Others

**Counsel for Petitioner :-** Pradeep Kumar Yadav

**Counsel for Respondent :-** C.S.C.,Mohan Singh,Shailendra Singh Chauhan

**Hon'ble Alok Mathur,J.**

1. Heard learned counsel for the petitioner, learned Standing counsel for the respondents.
2. By means of the present public interest writ petition the petitioner has sought direction to the authorities concerned to get removed the encroachment over pond Gata No.1198 area 13 Bigha 7 Biswa, situated in Village Rambagh, Pargana Chanda, Tehsil Lambhua, District- Sulanpur, portion of which has been encroached by the opposite party no.6.
3. It is stated that in the revenue records the said land is registered as pond and hence is a public utility land and no individual can raise any construction or encroach upon the said public land. It is also stated that respondent No.6 has encroached and made constructions over the said land. In spite of various complaints no action has been taken by the respondents.
4. Learned Standing counsel, on the other hand, has submitted that the petitioner has equally efficacious remedy under Section 67 of U.P. Revenue Code, 2006 and consequently on his moving the said application competent authority shall proceed to issue notice and remove the encroachments after giving opportunity of hearing. He has sufficient powers to evict the illegal encroachments as well as impose penalties upon them.
5. Learned counsel for the petitioner, at this stage, submits that he may be given liberty to move an application under Section 67 of the Code of 2006 before the competent authority detailing all the allegations regarding the encroachments having been made.
6. In light of the above, the present petition is **disposed of** with

a direction that on the petitioner moving such an application under Section 67 of the Revenue Code within two weeks from today, the competent authority shall proceed in accordance with law and pass appropriate orders thereon, expeditiously, in accordance with law.

**(Alok Mathur,J.)**

**Order Date :- 18.11.2023**

Vipul