

Court No. - 17

Case :- WRIT - C No. - 8707 of 2023

Petitioner :- Pratap @ Ram Partap Dube

Respondent :- State Of U.P. Thru. Prin. Secy.
Deptt. Of Revenue Govt. Civil Sectr. Lko. And 13
Others

Counsel for Petitioner :- Dinesh Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for State – respondents.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. Petitioner approached this court seeking a direction in the nature of mandamus commanding the opposite parties no.2 to 4 for taking necessary action against illegal encroacher/ opposite party no.6 to 14 for removing the illegal encroachment upon the public utility land Gata No.443/0.388 hectare and gata no.444/0.599 hectare situated at village – Kolhuva, Pargana, Tehsil and District Gonda recorded as 'banjar' in the revenue record.
4. Learned counsel for petitioner submits that the land Gata No.443/0.388 hectare and Gata no.444/0.599 hectare situated at village – Kolhuva, Pargana, Tehsil and District Gonda is recorded as 'banjar' in the revenue record which has been illegally occupied by the private respondents no.6 to 14. He further submits that the petitioner has moved complaint before District Magistrate Gonda on 01.9.2023 for removal of the aforesaid encroachment but no action has been taken by the District Magistrate on the said application.
5. Learned Standing Counsel on the other hand has submitted that petitioner has efficacious remedy under Section 67 of U.P. Revenue Code, 2006 where after obtaining report of Revenue Inspector and issuing notices to the alleged encroachers, effective orders for removal of the alleged encroachments as well as levy of penalty

can be passed in case the allegations are found correct.

6. Learned counsel for petitioner at this stage submits that petitioner may be given liberty to move an application under Section 67 of U.P. Revenue Code, 2006 before the competent authority.

7. Accordingly, without entering into merits of the case, the writ petition is disposed of with a liberty to the petitioner to move an application before the competent authority and in case such an application is made within two weeks from today, the said authority is directed to proceed to consider and decide the same expeditiously in accordance with law, say within a period of period of four months.

Order Date :- 10.10.2023

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(Alok Mathur, J.)