

**Court No. - 17**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1010 of 2023

**Petitioner :-** Awesh Ahmad

**Respondent :-** State Of U.P. Thru. Prin. Secy. Revenue Civil Sectt. Lko And 7 Others

**Counsel for Petitioner :-** Anupam Bajpai, Pawan Kumar Dwivedi, Rakesh Kumar Mishra

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

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

1. Heard Sri Anupam Bajpai, learned counsel for the petitioner, learned Standing counsel for respondent No.s 1 to 4 and Sri Pankaj Gupta for respondent No.5-Gaon Sabha.

2. In view of the order proposed to be passed notice to private respondents is dispensed with.

3. By means of the present public interest writ petition it has been submitted that private respondents have encroached upon public utility land of gata No.327/0.52 hectare situated at Village Sarai Jargar, Tehsil and District Gonda which is recorded as *Naveen Parti*.

4. It has been submitted that several representations have been given to the State authorities but no action has been taken and consequently prayer has been made for a direction to the respondents to remove illegal encroachments over the said land.

5. Learned Standing counsel, on the basis of instructions, has informed this Court that proceedings under Section 67 of U.P. Revenue Code, 2006 were initiated against the private respondents by Tehsildar (Judicial), Gonda for having encroached upon the said gata over an area of 0.21 hect. It is stated that the proceedings were concluded and eviction orders were passed against the alleged encroachers on 8.4.2021. But the alleged encroachers against whom the proceedings were initiated preferred appeals under Section 67 (5) of U.P. Revenue Code which are pending consideration before Additional District Magistrate, Gonda bearing Appeal No.s 1480 of 2021, 1481 of 2021 and 1482 of 2021.

6. Considering the fact that the subject matter which has been raised by the petitioner in the present public interest petition is

already engaging the attention of the judicial authorities, and proceedings in accordance with law are underway and consequently interference under Article 226 of the Constitution of India is not made out.

7. In light of the above statement made by learned Standing counsel with regard to pendency of the proceedings under Section 67 (5) of the Code of 2006, no interference is called for by this Court. However, it is expected that the appeals which are pending shall be decided expeditiously.

8. Subject to aforesaid observations the writ petition is **dismissed**.

**(Alok Mathur, J.)**

**Order Date :- 1.11.2023**  
RKM.