

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 905 of 2023

Petitioner :- Rajesh Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.
U.P. Lucknow And 6 Others

Counsel for Petitioner :- Mahesh Kumar Sharma

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Mahesh Kumar Sharma, learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 to 4.

2. In light of the proposed order, notices to private respondents are dispensed with.

3. By means of the present writ petition, the petitioner has sought a direction to respondent Nos. 2 to 4 to remove the illegal encroachment from the land Gata No. 230/0.076 Hectare recorded as Ghoor Gaddha, Gata NO. 229/0.099 Hectare recorded as Kollu and Gata No. 236/0.215 Hectare recorded as Khel Ka Mdan situated at Village - Darveshpur, pargana - Dariyabad, Tehsil - Sirauligaupur, District - Barabanki.

4. It has been submitted that three plots are recorded as public utility land and private respondents are illegally encroaching upon the said land and made construction. It has also been stated that petitioner has made complaints in this regard to the competent authority but no action has been taken by them consequently present writ petition has been filed .

5. Learned Standing Counsel on the basis of instructions has submitted that proceedings under Section 67 of U.P. Revenue Code, 2006 were initiated with regard to Gata No. 229/0.099 hectare and orders for eviction have already been passed by the competent authority on 22.02.2022. He further submits that necessary compliance of the said order would be undertaken by the authorities expeditiously. It is stated that with regard to Gata No. 230 and Gata No. 236, proceedings under Section 67 of U.P. Revenue Code, 2006 have already been initiated and a case No. T202104120601594 (Rajesh Kumar Vs. Gaon Sabha), case No. T202104120601595 (Jharekhe Vs. Gaon Sabha), case No. T202104120601599 (Ramnaresh Vs. Gaon Sabha) and case No.

T202104120601597 (Ram Kumar Vs. Gaon Sabha) are pending before the competent authority and only after orders are passed, necessary action will be taken against the encroachers.

6. In light of the above, considering the fact that proceedings in accordance with law i.e. U.P. Revenue Code, 2006 have already been initiated for eviction against the unauthorised occupants, no further directions are required by this Court in exercise of powers under Article 226/227 of Constitution of India.

7. However, the competent authority is directed to expedite the hearing in the aforesaid cases and pass necessary orders expeditiously .

8. With the above observations / directions, the writ petition stands **disposed of**.

(Alok Mathur, J.)

Order Date :- 10.10.2023

Ravi/