

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 913 of 2023

Petitioner :- Gaya Prasad

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

Counsel for Petitioner :- Roshan Kumar, Sudhir Kumar Misra

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner, Shri Dilip Kumar Pandey, learned counsel for respondent No.7- Gaon Sabha, Shri Prakhari Mishra, learned Additional Chief Standing Counsel for State/respondent Nos.1 to 6.
2. The present writ petition filed in public interest has raised a grievance with respect to the land recorded as Harijan Abadi.
3. It is averred in the writ petition that the land in question as per Form- CH 41 & 45 has been recorded as Harijan Abadi whereupon a godown for storage of foodgrains is sought to be constructed by the Gram Panchayat.
4. The argument put forth by the learned counsel for petitioner is to the effect that the land use of Harijan Abadi land cannot be altered to their disadvantage and the land in question not being recorded as public utility land cannot be utilised for the purposes of construction of such a storage.
5. Learned Additional Chief Standing Counsel, on the basis of instructions, has submitted that some of the villagers have filed a civil suit before the competent civil court raising the issue as regards the interference in Harijan Abadi land. A suit for permanent injunction has been filed which incidentally has been

listed today itself.

6. Once the civil suit has been filed before the competent civil court regarding the dispute in question, it is open for the petitioner to participate in the pending proceedings by making an appropriate application for impleadment.

7. The competent civil court is expected to protect the rights of the aggrieved parties in accordance with law and necessary order protecting their interest may be passed expeditiously and without allowing any injury to be caused to the land recorded as Harijan Abadi, if any.

8. The application for interim injunction shall be decided on its own merit as well as the suit.

9. The instant P.I.L. is ***disposed of*** accordingly.

10. The application for interim injunction filed, if any, shall be decided expeditiously and preferably within a period of one month from the date of production of a certified copy of this order, if not decided.

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 10.10.2023
Shubhankar