

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 921 of 2023

Petitioner :- Sury Narayan

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Revenue, Lko. And 4 Others

Counsel for Petitioner :- Yogendra Nath Yadav, Manjari Singh, Rupendra Kumar Yadav, Saurabh Yadav, Vikrant Prakash

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

Hon'ble Alok Mathur, J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for the State-respondent No.s 1 to 5 while notice on behalf of respondent No.6-Land Management Committee has been accepted by Sri Pankaj Gupta.

2. In view of the order proposed to be passed there is no need to issue notice to private respondent No.s 7 and 8.

3. Petitioner has approached this court seeking a direction to the State - respondents to remove illegal encroachment over the land Khasra No.s 250, 256, 288, 253, 276, 286, 287, 268, 272, 273 and 278 situated in Village Rajapur Dev patti, Pargana Patti, Tehsil Raniganj, District Pratapgarh and also prayed for a direction to respondent No.5 i.e Tehsildar, Tehsil-Raniganj, District Pratapgarh to remove the encroachment made by respondent No.s 7 and 8 over the land khasra No.256 after deciding the pending proceedings under Section 67 of U.P. Revenue Code registered as Case No.s T201902570501644 and T201902570501645 (Gaon Sabha Vs. Vijay Kumar and Gaon Sabha Vs. Babu Lal) respectively within a stipulated time.

4. It is further submitted that the aforesaid khasra No.s are recorded as *chak marg*, *charagaah*, *pond*, *Naveen Parti* and *Jangal* in the revenue records which are public utility land and has made several representations to the authorities concerned but no effective action has been taken till date.

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 the said authority is directed to proceed to consider and decide the same expeditiously in accordance with law and in case any proceedings have already been initiated under Section 67 the same may also be expedited.

(Alok Mathur, J.)

Order Date :- 11.10.2023
RKM.