

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 939 of 2023

Petitioner :- Arjun Prasad

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Revenue Sectt. Lko. And 10 Others

Counsel for Petitioner :- Amit Mishra

Counsel for Respondent :- C.S.C., Pankaj Gupta, Ran Vijay Singh

Hon'ble Alok Mathur, J.

1. Heard Sri Amit Mishra, learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 to 5 and Sri Vishal Gupta, learned counsel appearing on behalf of respondent Nos. 6 & 7.

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 authorities to remove illegal encroachments from the land situated at Gata No. 279 in Village Amrai, Block - Gaura, District Pratapgarh which is recorded as school/farm and some private individuals have encroached upon the part of the said land.

4. It has been submitted that with regard said encroachments several representations have been given by the petitioner and the other villagers to the competent authority for initiating proceedings under Section 67 of the U.P. Revenue Code.

5. It has further been submitted that though the proceedings under Section 67 of U.P. Revenue Code has been commenced in 2021 but even after expiry of more than two years the same has not been concluded which is mainly due to influence of the alleged encroachers. He submits that grievance of the petitioner shall be substantially redressed in case competent authority is directed to conclude the proceedings under Section 67 of the U.P. Revenue Code, 2006 expeditiously.

6. Learned Standing Counsel on the basis of instructions received from Tehsildar, Raniganj, Pratapgarh has informed this Court that with regard to Gata No. 279 Rakba 0.404 hectare, four cases have been registered, i.e. Case No.

T202102570502176, Case No. T202102570502177, Case No. T202102570502178 & Case No. T202102570502179 under Section 67 of U.P. Revenue Code, 2006 and proceedings are underway and the dates are fixed for evidence of the alleged encroachers and only after orders are passed, necessary action will be taken against the encroachers.

7. Considering the fact that proceedings are pending for the last two years, the case of interference is made out.

8. In light of the above and considering the fact that in U.P. Revenue Code, 2006 three months period has been provided for disposing of the said proceedings and more than two years has lapsed, the competent authority i.e. respondent No. 4 is directed to conclude the proceedings in accordance with law within a maximum period of three months from the date a certified copy of this order is produced before him.

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

(Alok Mathur, J.)

Order Date :- 13.10.2023

Ravi/