

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 950 of 2023

Petitioner :- Mishri Lal

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Prin. Secy. Revenue, Lko. And 5 Others

Counsel for Petitioner :- Shantanu Sharma, Anshuman Sharma, Athar Ali, Razia Khan, Shri Prakash

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for State -respondents.
2. In light of the proposed order, notice to private respondent is dispensed with.
3. Petitioner has approached this court seeking a direction to opposite parties to vacate the land of gata No..394 Minzumla area 0.1860 hectare situated in Village Bhabhnikhas, Block Chhapiya, Tehsil- Mankapur, District Gonda which is recorded as Talab land in revenue records from illegal encroachment of the private respondent.
4. Learned counsel for petitioner submits that opposite party No.6 and others have illegally made encroachment/possession over the said land by constructing house, chhapper, madhaiya etc. due to which the public of the village are deprived from using the said talab.
5. It is further submitted that opposite party No.6 and others are very rich and powerful and influential persons and are in connivance with the tehsil authorities due to which inspite of making several representations by the petitioner no action is being taken by the opposite parties.
6. 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.

7. 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.

8. 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.

(Alok Mathur, J.)

Order Date :- 17.10.2023

RKM.