

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 970 of 2023

Petitioner :- Anoop Kumar Shukla

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue U.P. Lko. And 4 Others

Counsel for Petitioner :- Puneet Kumar Tiwari, Chandra Shekhar Singh Yadav

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

Hon'ble Alok Mathur, J.

1. Heard Sri Chandra Shekhar Singh Yadav, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 3 as well as Sri Dilip Kumar Pandey, learned counsel for respondent No. 5.

2. In light of the proposed order, notices to respondent No. 4 is dispensed with.

3. By means of present writ petition, the petitioner has sought a direction to respondents to stop illegal encroachment by removing the construction over the land of gram sabha and take appropriate legal action against the Lekhpal and Gram Pradhan.

4. It has been submitted Gata No. 1619 Minjjumla situated at village Kalyanpur Pargana Patan Tehsil Bighapur district Unnao. is recorded Ban land in the revenue records and avas patta has been given on the said land.

5. The grievance of the petitioner is that the beneficiaries of the said avas pattas are not entitled and accordingly the petitioner has made several representations with regard to grant of the said avas pattas.

6. Considering the averments made by petitioner himself, it cannot be said that the construction of houses on the said land on which the pattas have been given is illegal or an encroachments. So far as the pattas are in existence they are deemed to have been granted in accordance with law by the competent authority till any order is passed cancelling the said pattas.

7. Learned Standing Counsel on the other hand has also

opposed the writ petition. He has submitted that in case the petitioner is aggrieved by the allotment of the said avas pattas, has an efficacious remedy under Section 66 of the U.P. revenue Code, 2006 where he can make an appropriate application to the competent authority who after affording an opportunity of hearing to the allottee can pass orders for cancellation of the said pattas.

8. Learned counsel for petitioner at this stage submits that the petitioner is ready and willing to file an application under Section 66 of U.P. Revenue Code and accordingly submits that he does not want to press the present writ petition.

9. In light of the above liberty is given to the petitioner to approach the competent authority under Section 66 of U.P. Revenue Code 2006 and in case such an application is made within two weeks from today, the same may be decided expeditiously.

10. Subject to aforesaid observations, the writ petition is disposed of.

(Alok Mathur, J.)

Order Date :- 18.10.2023

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