

Court No. - 8

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 953 of 2023

Petitioner :- Rita Devi

Respondent :- State Of Thru. Addl. Prin. Secy. Revenue Deptt. Lko. And 8 Others

Counsel for Petitioner :- Amit Kumar Singh

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Pankaj Bhatia,J.

1. The present writ petition has been filed with the following prayer:

"(i). issue a writ, order or direction in the nature of Mandamus commanding opposite party 3 to remove the illegal encroachment over land of Gata No.198 measuring area 0.0510 Hect which recorded as road, Gata no 199 measuring area 0.150 Hect recorded as drain, Gata no 202 measuring area 0.0250 Hect recorded as Naveen Parti, Gata no 245 measuring area 0.510 Hect recorded as Banjar, Gata no 204 measuring area 1.5610 Hect recorded as Abadi land in revenue record situated at Village village - Basgawan PraganaBarausa Tehsil-Jaisinghpur District-Sultanpur.

(ii). issue a writ, order or direction in the nature of Mandamus commanding opposite party No. 3 to decide the application moved by the petitioner on 4.10.2023 under Section 67 of U.P. Revenue Code, 2006 for prevention, damages of land as well as application dated 4.10.2023 under section 25 of the U.P revenue code 2006 and constructed the village road of the village Basgawan contained as Annexure no-10 and 11 to this writ petition."

2. Learned Standing Counsel based upon the instructions states that with regard to the property situate at Gata Nos.198, 199 and 202, there is no illegal occupation. As regards Gata No.204, it is stated that a civil suit being Suit No.1013 of 2022.

3. Considering the said instructions, which are taken on record, it is directed that in respect of Gata No.204, the respondent will take appropriate steps in accordance law unless there is restrained order passed in the abovesaid civil suit.

4. The Counsel for the petitioner states that in terms of the report dated 03.01.2023 (Annexure-3 to the writ petition), the land of the road is under encroachment, however, the said report is of the Gram Panchayat and the same is in variance in the instructions given.

5. In the event, if the petitioner still feels that there are encroachment on Gata Nos.198, 199 and 204, he may file an appropriate application under Section 67 of the U.P. Revenue Code, which was decided in accordance with law.

6. Learned Standing Counsel informs that the petitioner has already filed an application on 04.10.2023. If it is so, the same shall be decided by passing a reasoned order in accordance with law within a period of two months from the date of production of certified copy of this order.

7. As regards the prayer no.2, it is informed by the learned Standing Counsel that a case has already been registered being Case No.T202304680704888 and the next date fixed is 02.11.2023.

8. In view of the said statement, the present writ petition is ***disposed off*** directing the respondents to decide the above said Case No.T202304680704888 in accordance with law with all expedition preferably within a period of two months from the date of production of certified copy of this order.

9. This order has been passed in the presence of Sri Mohan Singh, learned Counsel for the respondent no.4.

Order Date :- 17.10.2023

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