

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 981 of 2023

Petitioner :- Ganga Ram Pandey

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

Counsel for Petitioner :- Amit Tripathi

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

Hon'ble Alok Mathur,J.

1. Vakalatnama filed today by Shri Janardan Singh, Advocate on behalf of the respondent no.5 is taken on record.
2. Heard learned counsel for petitioner, Sri Janardan Singh, learned counsel for respondent No.5 and learned Standing Counsel for State-respondents.
3. In light of the proposed order, notices to private respondents are dispensed with.
4. Petitioner approached this court seeking a direction to the State-respondents to remove unauthorized encroachment made by private respondents on Gram Sabha land pertaining to Gata No.114 measuring 0.2530 Hectare, Gata No.117 measuring 0.4550 Hectare and Gata No.110 measuring 0.1020 Hectare.
5. Learned counsel for petitioner submits that the lands of Gata No.114 measuring 0.2530 Hectare, Gata No.117 measuring 0.4550 Hectare and Gata No.110 measuring 0.1020 Hectare situated at Village Panchayat Makhdoompur, Pargana Basaudhi, Tehsil Rudauli, District Ayodhya are recorded as pond land and public passage land which have been illegally encroached by the private respondents. He further submits that several applications have been given by the petitioner to the authorities, but no action has been taken till date.
6. Learned Standing Counsel on the other hand has submitted that petitioner has efficacious remedy under Section 67 of U.P. Revenue Code, 2006 and in case there is illegal occupation the said proceedings can be initiated and the competent authority 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 it is found that the private respondents are unauthorized occupants.
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 within two weeks from today, the said authority is directed to proceed to consider and decide the same expeditiously in accordance with law, say within a period of period of four months.

(Alok Mathur,J.)

Order Date :- 19.10.2023
Shravan