

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 968 of 2023

Petitioner :- Rahul Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue U.P. Lko. And 6 Others

Counsel for Petitioner :- Dinesh Kumar Srivastava

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

Hon'ble Alok Mathur,J.

1. Heard Sri Dinesh Kumar Srivatava, learned counsel for petitioner as well as learned Standing Counsel for respondents.

2. In view of the proposed order, notices to private respondents are dispensed with.

2. By means of the present writ petition, the petitioner has sought a direction to respondents to remove the illegal encroachment of the chak marg in gata No. 283 and 173 situated in village - Molnapur, Tehsil - Jalalpur, district - Ambedkar Nagar and open the way of path of the villagers and also to decide the case No. 1861 of 2018 and 1861 of 2018, 3048 of 2019, 3049 of 2018, 3063 of 2019, 3064 of 2018 pending before the Tehsildar, Tehsil Jalalpur, District Ambedkar Nagar expeditiously.

3. It has been submitted that the said land situated at Gata No. 283 and 173 in the said village is recorded as public utility land and recorded as chak road and khalihan and has been illegally encroached by private respondents. It has also been stated that several complaints have been made by the petitioner and other villagers in this regard to the competent authority consequent to which aforesaid cases have been registered but the same have not been decided finally till date.

4. Learned Standing Counsel on the basis of instructions has submitted that proceedings under Section 67 of U.P. Revenue Code, 2006 have already been initiated against the illegal encroachers and only after orders are passed, necessary action will be taken against the encroachers.

5. In light of the above, considering the fact that proceedings in accordance with law i.e. U.P. Revenue Code, 2006 have already been initiated against the alleged encroachers, no further

directions are required by this Court in exercise of powers under Article 226/227 of Constitution of India.

6. However, the competent authority is directed to expedite the hearing in the aforesaid cases and pass necessary orders expeditiously in accordance with law, say, within a period of three months from the date a certified copy of this order is produced before the competent authority

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

(Alok Mathur, J.)

Order Date :- 18.10.2023

Ravi/