

Court No. - 17

Case :- WRIT - C No. - 9172 of 2023

Petitioner :- Kamlesh Kumar

Respondent :- Collector/District Magistrate, Sitapur And 6 Others

Counsel for Petitioner :- Shrawan Kumar Verma

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

Hon'ble Alok Mathur, J.

1. Heard Sri Shrawan Kumar Verma, learned counsel for petitioner, Sri Dilip Kumar Pandey for respondent No.5- Gram Sabha and learned Standing Counsel for State-respondents.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. 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.117.
4. Learned counsel for petitioner submits that gata No.117 situated in Gram Sabha Behma, Pargana Bari, Tehsil -Sidhauli, District Sitapur is recorded as *banjar* land and respondent No.s 6 and 7 have occupied the said land. He further submits that certain orders were passed by the revenue authorities in their favour under Section 123 (C) of U.P.Z.A. & L.R. Act and the said orders have already been set aside in revision by the Collector, Sitapur. He further submits that subsequently two suits were also filed by private respondents which have also been dismissed for want of prosecution and consequently submits that there is no order operating in favour of the private respondents and despite the same they are occupying the public utility land of gata No.117 in the said village.
5. 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.
6. 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.

7. 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

RKM.