

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 976 of 2023

Petitioner :- Shiv Kumar

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

Counsel for Petitioner :- Bhup Chandra Singh, Vinay Kumar Dubey

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

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

Heard Sri Bhup Chandra Singh, learned counsel for the petitioner, and learned Standing Counsel for the State. Sri Mohan Singh, learned counsel has put in appearance on behalf of opposite party no.5 i.e. gaon sabha.

By means of this writ petition filed in 'Public Interest' the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of Mandamus commanding and directing the concerned opposite parties, specially to the opposite party no.3/S.D.M., Lambhua Sultanpur in the light of the G.O.No.DFA/43634/38-7099(99)/342/2019 dated 22.01.2020 for permit/allow the development work of playground going on the area of 0.420 hectare of Gata No.336 situated in village Sherpur Parsarampur, Pargana-Chanda, Tehsil-Lambhua, District Sultanpur which is recorded as Navin Parti land in the revenue records in the interest of justice.

ii. Issue any other order or direction by which this Hon'ble Court may deem fit, just and proper under the fact and circumstances of the case in favour of the petitioner, in the interest of justice.

Gata No.336 measuring 0.868 hectare is already involved in litigation inasmuch as some part of it was allotted to some local persons. On the basis of proceedings having been drawn under Section 198(4) U.P.Z.A & L.R.Act, 1950, the pattas were cancelled by the competent authority on 09.07.2021.

The aggrieved parties have filed a revision against the said order wherein the Court of Commissioner has passed an interim order on 21.07.2022 directing for maintaining the status-quo.

By filing this writ petition, parallel proceedings have been instituted by the petitioner in relation to the same land which is partly under litigation. The identity of land is also not clear before us on the basis of which a relief may have been prayed by the petitioner for construction of a playground in the locality.

That being so, the present public interest litigation in absence of a clear cause of action espoused in public interest cannot be gone into for the purposes of issuing a general direction until the pending proceedings are brought to its logical conclusion.

The writ petition not being maintainable is accordingly ***rejected.***

Order Date :- 19.10.2023

Shahnaz