

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 978 of 2023

Petitioner :- Bechai Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue Lko. And 4 Others

Counsel for Petitioner :- Vikas Verma

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Vikas Verma, learned counsel for petitioner as well as learned Standing Counsel for respondents.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. By means of present writ petition the petitioner has approached this court seeking a direction to State respondents to evict the private respondent as well as any other person who has illegally encroached upon the public land being Gata No. 1219, area 0.3990 hectares, situated in Village - Pathkhauli, Post - Merkiya, Pargana - Tulsipur, Tehsil - Bhinga, District - Shrawasti, expeditiously.
4. Learned counsel for petitioner submits that illegal encroachment over the public land has been made by respondent no. 5, existing over Gata No. 1219, area 0.3990 hectares, situated in Village - Pathkhauli, Post - Merkiya, Pargana - Tulsipur, Tehsil - Bhinga, District - Shrawasti, and said land is recorded as "Primary Pathshala" in the revenue record.
5. It is further submitted that with regard to aforesaid illegal encroachment over the public land by the private respondent, the petitioner has moved several applications before the authorities concerned, but till date no action has been taken in this regard.
6. Learned Standing Counsel on the other hand on the basis of instructions received from Tehsildar, Bhigna has submitted that before the Tehsildar a case under Section 67 of U.P. Revenue Code, 2006 being Case No. T202308620106272 - Gaon Sabha Vs. Madhuri Singh and Others, pertaining to same land is pending and proceedings are going on. It is submitted that under Section 67 of U.P. Revenue Code, 2006 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 the allegations are found correct.

7. Learned counsel for petitioner at this stage submits that the State respondents may be directed to conclude the proceedings of aforesaid case expeditiously so that illegal encroachment by private respondent over public land may be removed.

8. Accordingly, without entering into merits of the case, the writ petition, is **disposed of** with direction to the authority concerned to proceed to consider and conclude the proceedings of Case No. T202308620106272 - Gaon Sabha Vs. Madhuri Singh and Others, expeditiously, in accordance with law.

Order Date :- 28.11.2023

A. Verma

(Alok Mathur, J.)