

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 975 of 2023

Petitioner :- Raju

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

Counsel for Petitioner :- Vijay Shankar Singh

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

Hon'ble Alok Mathur,J.

1. Heard learned counsel for the petitioner as well as learned Standing counsel for the State-respondents while notice on behalf of respondent No.5 has been accepted by Sri Dilip Kumar Pandey.

2. Learned Standing counsel has informed this Court that the petitioner has for the same cause of action approached this Court previously by filing Writ PIL No.856 of 2023. Copy of the order passed in the said petition has also been placed before this Court where the petitioner was permitted to withdraw that petition with liberty to approach appropriate forum ventilating his grievances.

3. The Court has also perused the contents of the previous writ petition i.e. Writ PIL No.856 of 2023 where also it was stated that gata No.795 situated in Village Paila, Pargana Paila, Tehsil Mitauli District Lakhimpur Kheri which is recorded as chak marg respondent No.s 6 to 8 are alleged to have encroached upon the said land. This Court has also perused both the petitions which are found identical and even prayer is the same. The petitioner has concealed the fact of filing previous petition before this Court nor has made any application under Section 26 of Revenue Code before the competent authority, as such, the present petition is an abuse of the process of the Court. A person who has not come to the Court with clean hands is not entitled to equitable remedy. This Court deprecates the practice of filing subsequent petitions concealing the fact of filing previous petition.

4. In light of the above, the petition is **dismissed with cost of Rs.5000/-** to be paid to the library fund of Oudh Bar Association within next two weeks.

5. In case the said amount is not deposited, District Magistrate, Lakhimpur Kheri shall recover the same as arrears of land revenue and remit the same as directed by this Court herein-

above.

(Alok Mathur, J.)

Order Date :- 19.10.2023
RKM.