

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 982 of 2023

Petitioner :- Mohammad Imran Ali

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Lko And 7 Others

Counsel for Petitioner :- Vinay Mishra, Dinesh Kumar Dixit

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Alok Mathur, J.

1. Heard learned counsel for petitioner 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 illegal possession and construction raised by the private respondents from the land of Khasra/Gata No. 143/0.2760 hectare situated at Village- Kudauni, Pargana- Hisampur, Tehsil- Kaiserganj, District- Bahraich.
4. Learned counsel for petitioner submits that the respondent Nos. 6 to 8 have illegally occupied and raised construction on the land of Gata No. 143/0.2760 hectare situated at Village- Kudauni, Pargana- Hisampur, Tehsil- Kaiserganj, District- Bahraich belonging to Gaon Sabha land. He further submits that the petitioner moved an application to the respondent nos. 2 and 3 praying therein for removing illegal encroachment by the respondent nos. 6 to 8, but no heed was paid by the respondents. Subsequently, the petitioner again moved an application dated 13.8.2020 to the respondent nos. 2 and 3 who issued directions to remove encroachment. Despite the same, the illegal encroachment made by private respondents on the said land has not been removed till date.
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
Shravan