

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 983 of 2023

Petitioner :- Manoj Kumar Alias Manoj Kumar Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Revenue U.P. Govt. Lko. And Others

Counsel for Petitioner :- Manoj Kumar Singh

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

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

By means of this writ petition purportedly filed in public interest, the petitioner has prayed for the following reliefs:

"i. Issue a writ, order or direction in nature of mandamus thereby commanding the opposite parties No. 1 to 3 to remove the illegal encroachment/possession over the land Gata No. 1487Min/0.2150 Hectare, which is recorded as Ceiling in revenue records situated at Village Janwamau, Tahsil - Kunda, District Pratapgarh but the opposite party No. 5 to 8 constructed hut and walls over the public land after merging the same in his land and restore it to its original stage.

ii. Issue a writ, order, or direction in the nature of mandamus commanding the opposite party No. 1 to initiate inquiry against inaction on the part of the authorities concerned in not removing encroachment from Gaon Sabha Land i.e. Gata No. 1487Min/0.2150 Hectare situated at Village - Janwamau, Tahsil - Kunda, District - Pratapgarh which are recorded as Ceiling i.e. public utility land in the revenue record, from illegal encroachment of the land grabbers, in order to punish the guilty persons/authorities."

The report forwarded by the Lekhpal on 30.8.2023 clearly indicates that there is an encroachment upon the ceiling land i.e. 1487M/0.2150 partially by unauthorised persons. The report further indicates that it is a case cognizable under Section 67(1) of U.P. Revenue Code, 2006.

Appropriate proceedings do not seem to have been initiated by the petitioner either before the competent authority or on the strength of the report forwarded by the Lekhpal on 30.8.2023.

In view of above, we permit the petitioner to initiate appropriate proceedings before the competent authority or to participate in the same once registered under Section 67(1) of U.P. Revenue Code so that necessary action for removal of encroachment may be taken.

With the observations as above, the writ petition stands disposed of.

Order Date :- 19.10.2023

Fahim/-