

**Court No. - 17**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 989 of 2023

**Petitioner :-** Kishor Kumar Mishra

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

**Counsel for Petitioner :-** Vijay Nath Pandey

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

**Hon'ble Alok Mathur, J.**

1. Heard learned counsel for petitioner as well as learned Standing Counsel for respondents.
2. Petitioner approached this court seeking a direction to State respondents to evict respondent no. 5 who has illegally encroached upon the public land being Gata Nos. 188 and 189, situated in Village - Gunaura, Pargana - Mankapur, District - Gonda, expeditiously.
3. Learned counsel for petitioner submits that illegal encroachment over the public land has been made by respondent no. 5 existing over Gata Nos. 188 and 189, situated in Village - Gunaura, Pargana - Mankapur, District - Gonda, as the said gatas are recorded as "Pond" and "Charagah" respectively, in the revenue record.
4. It is further submitted that with regard to aforesaid illegal encroachment over the public land by respondent no. 5, the petitioner has moved several applications before the authorities concerned, but till date no action has been taken in this regard.
5. Learned Standing Counsel on the other hand has submitted that petitioner has efficacious remedy under Section 67 of U.P. Revenue Code, 2006 where 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.
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 under Section 67 of the U.P. Revenue Code,

2006, before the competent authority within two weeks from today and in case such an application is made within the prescribed period, the said authority is directed to proceed to consider and decide the same expeditiously, in accordance with law.

**Order Date :- 17.11.2023**

A. Verma

(Alok Mathur, J.)