

Court No. - 17

Case :- WRIT - C No. - 9398 of 2023

Petitioner :- Mewa Lal

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

Counsel for Petitioner :- Parijat Mishra Belavra

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Parijat Mishra, learned counsel for the petitioner as well as learned Standing Counsel for respondent nos. 1, 2 and 3 and Sri Mohan Singh, learned counsel appearing for respondent no. 4.

2. In view of the proposed order, notice to respondent nos. 5 and 6 is dispensed with.

3. By means of present writ petition the petitioner has sought mandamus commanding respondent no. 2 - District Magistrate, Amethi to remove the illegal encroachment over public land by private respondents being Gata No. 41, area 0.128 hectares situated in Village - Narsingh Bhanpur, Pargana, Tehsil and District - Amethi.

4. It is submitted by learned counsel for the petitioner that land of Gata No. 41, area 0.128 hectares situated in Village - Narsingh Bhanpur, Pargana, Tehsil and District - Amethi, which is recorded in the revenue records as "Navin Parti" has been illegally encroached upon by respondent nos. 5 and 6. In support of his contentions the petitioner has annexed khatauni of Gata No. 41/0.128 hectares.

5. Learned counsel for the petitioner has also placed reliance on the Government Order dated 08.05.2017, which provides for immediate vacation and action against illegal encroachment by private individuals on the public land. It is submitted that in this regard petitioner has represented before the authorities concerned, no action has been taken against illegal encroachers.

6. Learned Standing Counsel at this stage submits that in case petitioner moves an application under Section 67 of the U.P. Revenue Code, 2006 before the competent authority, same shall be acted upon by the authorities.

7. Accordingly, without entering into the merits of the case, present writ petition is **disposed of** with liberty to the petitioner to move appropriate application under Section 67 of the U.P. Revenue Code, 2006 before the competent authority within two weeks from today. In case any such application is made by the petitioner, the same shall be considered and acted upon by the authority concerned expeditiously.

Order Date :- 30.10.2023

A. Verma

(Alok Mathur, J.)