

Court No. - 17

Case :- WRIT - C No. - 9519 of 2023

Petitioner :- Shailendra Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Revenue,
U.P. Govt. Lucknow And 4 Others

Counsel for Petitioner :- Ram Prakash

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Ram Prakash, learned counsel for the petitioner as well as learned Standing counsel for the State.

2. In view of the order proposed to be passed issuance of notice to private respondent is dispensed with.

2. By means of the present petition the petitioner has stated that the land of gata No.829 recorded as chakmarg in the revenue records and that of gata No.830 recorded as Ghoor-gaddha situated in Village Nasaratpur, Pargana Paschim Rath, Tehsil Bikapur, District Ayodhya, are public utility land where the private respondent and his associates have illegally encroached/made illegal possession and constructions. It is further submitted that several representations in this regard have been given to the concerned authorities but no proceedings have been initiated by them.

3. Learned Standing counsel, on the basis of the instructions, has informed this Court that in respect of land of gata No.830 with regard to its area 0.0015 hect. where private respondent has made encroachments the proceedings under Section 67 of U.P. Revenue Code, 2006 have already been initiated and the same shall be concluded expeditiously.

4. In light of the above and also considering the fact that under Section 67 of the Code of 2006 the competent authority has full powers to clear illegal encroachments from public utility land and also to impose penalty and also considering that appropriate proceedings have already been initiated, no further directions are required to be issued by this Court. However, it is expected that the competent

authority shall proceed in the matter and conclude the same expeditiously in accordance with law.

8. However, in respect of encroachment made on land of plot No.829, which is recorded as *chak marg* in the revenue records, liberty is granted to the petitioner to move an application under Section 67 of U.P. Revenue Code, 2006 before the competent authority within two weeks from today and in case such an application is made the said authority is directed to proceed to consider and decide the same expeditiously in accordance with law.

9. With aforesaid observations and directions ,the petition stands **disposed off**.

(Alok Mathur, J.)

Order Date :- 31.10.2023

RKM.