

Court No. - 18

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1017 of 2023

Petitioner :- Gynendra Bahadur Singh

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

Counsel for Petitioner :- Umesh Chandra Shukla

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the petitioner, learned counsel for the State as also Sri Dilip Kumar Pandey, learned counsel for the Gaon Sabha.

Present petition has been filed for the following main relief:-

"Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing to the opposite party no. 1 to 5 to remove the illegal encroachment caused by the private opposite party no. 6 over the plot no. 237 area measuring 0.1550 hectare situated at Village- Baraha, Pargana- Khiron, Tehsil-Lalganj, District-Raibareli which is recorded as "Banjar" in revenue record."

At the very outset, Sri Yogesh Awasthi, learned counsel for the State, on the basis of instructions dated 01.11.2023 received from the Office of Tehsildar, Lalganj, Raebareli, a copy of which is taken on record, says that the application for recall of order dated 21.04.2023, in relation to which present petition has been filed seeking main relief, is pending consideration before the revenue court of Tehsildar, Lalganj, Raebareli and next date fixed in the same is 21.11.2023 and the authority concerned shall make all endeavour to decide the application for recall, on the next date fixed and if for some reason, the same could not be decided, then in that event, the same shall be decided expeditiously say maximum within a period of three months.

In view of aforesaid, at this stage, this Court is not inclined to entertain the present petition for the main relief sought. It is accordingly consigned to record with liberty to petitioner to approach this Court at appropriate stage.

Order Date :- 2.11.2023/Vinay/-