

Court No. - 17

Case :- WRIT - C No. - 9627 of 2023

Petitioner :- Vinod Kumar Shukla

Respondent :- State Of U.P. Thru. Prin. Secy.
Revenue Civil Secrt. Lko. And 4 Others

Counsel for Petitioner :- Pankaj Kumar Shukla

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. In light of the proposed order, notice to private respondent is dispensed with.
3. By means of the present writ petition petitioner has approached this court seeking a direction to respondents No. 2 & 3 to get the illegal encroachment removed which has been done by opposite party no.5 over Gata no.1812 and 1819 of village Jamethi, Pargana - Vihar, Tehsil - Kunda, District - Pratapgarh recorded in the revenue record as public drain and public road respectively.
4. Learned counsel for petitioner submits that due to the illegal encroachment done by opposite party no.5 over the aforesaid gatas villagers have to face several difficulties and he has already moved various applications in this regard to the authorities but no action has been taken yet to remove the aforesaid encroachment.
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 notice to the alleged encroacher, 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 a fresh 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 a fresh application under Section 67 of the U.P.Revenue Code, 2006 before the competent authority and in case such an application is moved within two weeks from today, the said authority is directed to consider and decide the same expeditiously in accordance with law, say within a period of four months.

Order Date :- 29.11.2023

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(Alok Mathur, J.)