

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1019 of 2023

Petitioner :- Prakash Vir

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lko.
And 7 Others

Counsel for Petitioner :- Amit Srivastava

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

Hon'ble Alok Mathur,J.

1. Heard Sri Amit Srivastava, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 4 and Sri Mohan Singh, learned counsel for respondent No. 5.

2. In light of the proposed order, notices to private respondents are dispensed with.

3. It has been submitted by learned counsel for petitioner that private respondents have encroached upon village situated at Khasra No. 86 area 0.0250 hectare situated in Sarai Raghunath, Pargana - Paschim Raath, Tehsil - Bikapur, District Ayodhya which is recorded as Naveen Parti in the revenue record. It has also been submitted that proceedings under Section 67 of U.P. Revenue Code, 2006 were initiated and final orders have been passed on 23.03.2023 and 21.07.2022 where private respondents have been found to be encroached upon the public utility land and they have been sought to be evicted from the said land consequently a payer has been made in the present writ petition for a direction to the authorities to evict private respondents from the said public utility land.

4. Learned Standing Counsel on the basis of instructions has informed this Court that against the orders of eviction passed by competent authority, private respondents have moved an application for recall which is still pending consideration.

5. Considering that the application for recall is pending, the direction as sought by the petitioner cannot be granted, and also considering that the matter has not attained finality as the recall application is pending before the competent court, the ends of justice would suffice in case the competent authority is directed to hear and decide the recall application expeditiously.

6. Accordingly, the writ petition is disposed of with a direction

to competent authority to decide the recall applications moved by the petitioner, expeditiously, say, within a period of two weeks from the date a certified copy of this order is produced before him after giving opportunity of hearing to all concerned parties. It is stated that despite orders passed under Section 67 of U.P. Revenue Code, 2006

(Alok Mathur, J.)

Order Date :- 2.11.2023

Ravi/