

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1020 of 2023

Petitioner :- Sarif Ali (Minor) Thru. His Natural Guardian / Father Vasif Ali

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Basic Education U.P. Govt. Lko. And Others

Counsel for Petitioner :- Manish Vaish, Akhand Kumar Pandey, Saima Khan

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey, Ran Vijay Singh, Rishabh Tripathi

and

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 30 of 2022

Petitioner :- Sanjay Singh

Respondent :- State Of U.P Thru. Prin. Secy. Department Of Revenue Govt. Of U.P Civil Secy. And 7 Others

Counsel for Petitioner :- Abhishek Singh

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

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard Shri Manish Vaish, learned counsel for the petitioners, learned Standing Counsel representing the State respondents and Shri Dilip Kumar Pandey, learned counsel representing the Gaon Sabha concerned.

3. Pursuant to the order dated 01.11.2023, Shri Ajay Kumar Tripathi, Sub-Divisional Magistrate, Mishrikh, Sitapur and Shri Akhilesh Pratap Singh, District Basic Education Officer, Sitapur are present in person.

3. It is informed that the educational institution is operative and presently there are as many as 271 students studying in the primary and middle sections. The institution in question was constructed in the year 1970 on gata nos. 158, 159 and 160. In this manner, gata no.158 which was reserved for Panchayat Bhawan has come to be utilized for educational purpose.

4. It is well settled that the land reserved for a particular purpose must be utilized for that purpose alone. In the instant case, unless the land use is altered and reserved for Panchayat Bhawan, the proportionate area of gata no.158 reserved for Panchayat Bhawan cannot be severed from gata no.160.

5. We would not have entertained a PIL at the instance of a minor but looking to the controversy involved in the aforesaid two writ petitions, we **dispose of both the writ petitions** with a direction to the Sub-Divisional Magistrate concerned to draw appropriate proceedings under Section 101 of U.P. Revenue Code, 2006 read with relevant rules so as to identify the proportionate area of land i.e. equal to the area of gata no.158 and demarcate the same from gata no.160. This direction is issued to regularize the ongoing construction for Panchayat Bhawan.

6. The Sub-Divisional Magistrate who is present in the Court has assured that necessary proceedings shall be drawn under Section 101 of U.P. Revenue Code, 2006 and the matter shall be

brought to its logical conclusion at the earliest.

7. Let this exercise be completed within a period of three months.

Order Date :- 16.11.2023

akhilesh/