

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1032 of 2023

Petitioner :- Gaya Prasad

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

Counsel for Petitioner :- Arun Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. The instructions placed before us are taken on record.
2. Heard Shri Arun Kumar Singh, learned Counsel for the petitioner and Shri Anil Kumar Singh 'Visen', learned Standing Counsel for the State-respondents.
3. The present Public Interest Litigation is related to Gata Nos.131 and 132 measuring 0.82 hect. and 0.80 hect. respectively. It is submitted that the land in question is recorded as 'banjar' land and as such is a public utility land. The averments made in the writ petition further reveal that the same is stated to be encroached upon by the respondent no.8.
4. In the normal course, all such proceedings are cognizable under Section 67 of the U.P. Revenue Code, 2006 (hereinafter referred to as 'the Code'). We would have relegated the matter to the competent authority for being adjudicated upon under Section 67 of the Code, but as per the instruction placed before us, learned Standing Counsel for the State has informed that a demarcation was carried out through a team and no part of the aforesaid land has been found to be encroached upon.
5. Learned Counsel for the petitioner drawing our attention to the demarcation report dated 05.09.2023 has submitted that the demarcation report was carried out by the Lekhpal - Ms. Avani

Rastogi against whom the allegation of being in collusion with the local encroachers has been made. It is in these circumstances that the very demarcation report has been objected against by the petitioner.

6. The grievance which has come to be raised by the petitioner may or may not be genuine. The factual dispute has, thus, cropped up with respect to the demarcation report itself. In these circumstances and looking to the fact that Gata Nos.131 and 132 are recorded as public utility land, we hereby direct the District Magistrate concerned to look into the matter and go into the verification of the report submitted by the Lekhpal alleged to be a partisan report. In case an application is made before the District Magistrate, he shall ensure an impartial enquiry in the matter. If the circumstances so warrant a fresh demarcation report may be carried out so as to protect the public utility land and encroachments, if any, may be removed in accordance with law.

7. With the aforesaid observations, this petition is **disposed of**.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 6.11.2023

Anand Sri./-