

Court No. - 17

Case :- WRIT - C No. - 9673 of 2023

Petitioner :- Anil Kumar Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue, Lko. And 20 Others

Counsel for Petitioner :- Neeraj Kumar Srivastava

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Alok Mathur, J.

1. Heard Sri Vijay Kumar Mishra, learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 to 4 and Sri Vikram Dutt, Advocate holding brief of Sri Pankaj Gupta, learned counsel for respondent No. 5.

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

3. Petitioner approached this court seeking a direction to respondent Nos. 2 to 5 to ensure the release of gaon sabha land bearing gata Nos. 278 area 0.4020, 499M area 0.0380, 993K area 0.0690, 1000 area 0.0170, 1011 area 0.1420, 1045Ka area 0.0440, 978 area 0.260 and 981 area 0.1960 hectares recorded as Banjar, Gata Nos. 1223 area 0.0860 and 1289 area 0.0130 hectares recorded as 'Naveen Parti', Gata Nos. 582 area 0.0300, 620 area 0.0080 and 1539 are 0.0580 hectares recorded as Chakmarg and Gata Nos. 1288 are 0.0670, 1485 area 0.0420 and 1540 area 0.0550 hectares recorded as Naali in the revenue records situated at Village Atraura Mirpur, Pargana & Tahsil Pattin, District Pratapgarh from illegal encroachment of the land grabbers and restore same to its original shape

4. Learned counsel for petitioner submits that private respondents are illegally encroaching upon the land of aforesaid gatas situated at aforesaid village despite the fact that the same is public utility land and recorded as Banjar, Naveen Parti, Chakmarg and Nali in the revenue record. He further submits that on the basis of complaints preferred by the petitioner, proceedings were initiated but the same have not been concluded.

5. Learned Standing Counsel on the other hand has submitted that petitioner has efficacious remedy under Section 26 & 67 of U.P. Revenue Code, 2006 where after obtaining report of Revenue Inspector and issuing notices to the alleged

encroachers, 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 an 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 an application before the respondent No. 4 under Sections 26 & 67 of the U.P. Revenue Code, 2006 and in case such an application is made within two weeks from today, respondent No. 4 is directed to proceed to consider and decide the same expeditiously in accordance with law.

(Alok Mathur, J.)

Order Date :- 6.11.2023

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