

Court No. - 6

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1031 of 2023

Petitioner :- Saurabh Kumar Shukla

Respondent :- State Of U.P. Thru. Its Secy. Revenue Lko. And 5 Others

Counsel for Petitioner :- Vaibhav Srivastava, Suresh Chandra Srivastava

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

Hon'ble Rajnish Kumar, J.

Heard Sri Suresh Chandra Srivastava, learned counsel for the petitioner, Sri Yogesh Kumar Awasthi, learned Standing Counsel and Sri Ravindra Singh, Advocate holding brief of Sri Mohan Singh, learned counsel for the respondent no.5.

This petition has been filed for a direction to the authorities concerned to take action against the encroachers and remove their illegal encroachment from Gata No.1406 measuring 0.1380 hectare, which is recorded as 'Talab' in the revenue records.

Submission of learned counsel for the petitioner is that despite the representation made by the petitioner, the encroachment has not been removed.

Learned Standing Counsel submits that this petition has been filed with material concealment of facts because the appeal against the order of eviction is pending, which is listed today but it has not been disclosed in this petition.

Having gone through the contents of the petition, this Court finds that the order of eviction dated 08.06.2023, though disclosed in the representation, but the same has not been disclosed in this petition and this petition has been filed without verifying or giving any statement regarding filing of appeal or revision against the said order or pendency thereof. Therefore this Public Interest Litigation has been filed in a very casual manner without even verifying the complete relevant facts, therefore it is liable to be dismissed with heavy cost. This petition has also been filed for eviction from the aforesaid Gata, which is adjacent to the village of the petitioner, but it has not been disclosed as to how the petitioner has come to know about it, which also discloses that the petitioner wants to settle some personal dispute with the private respondent. In any case when the appeal is pending, a direction can not be issued.

At this stage, learned counsel for the petitioner submits that the petition may be dismissed as not pressed as inadvertently the

facts could not be verified and disclosed with liberty to file fresh, if required in future. He further submits that he is ready to pay the cost as imposed by this court but some lessor cost may be imposed.

The petition is, accordingly, **dismissed** as not pressed with liberty as prayed for, with a cost of Rs.5,000/- , which shall be deposited by the petitioner before the Senior Registrar of this Court within a period of two weeks from today, failing which the same shall be recovered by Senior Registrar of this Court from the petitioner as arrears of land revenue.

Order Date :- 6.11.2023

Akanksha