

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1038 of 2023

Petitioner :- Dev Prabhakar Mishra @ Dev Prabhakar

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

Counsel for Petitioner :- Amrish Tiwari

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

Hon'ble Alok Mathur, J.

1. Heard Sri Amrish Tiwari, learned counsel for the petitioner, learned Standing counsel for respondent No.s 1 to 4 and Sri Mohan Singh for respondent No.5.

2. By means of the present petition the petitioner has sought a direction to the State respondents to remove encroachment of opposite party No.5 over the land of gata No.965 situated at Village Baudiya, Balmau, Tehsil Kadipur, District Sultanpur and restore the rasta of the villagers to come outside the village.

3. It has been submitted by learned counsel for the petitioner that the rasta situated on gata No.965 was blocked due to a tree falling on the said rasta and private respondent is not permitting the villagers to remove the said tree. With regard to the said dispute an application was made to the revenue authorities and report of the Lekhpal dated 29.9.2023 was obtained from a perusal of which it is clear that private dispute with regard to occupation of gata No.s 965 and 919 of the said village is preexisting dispute of the said land. It is further submitted that in the said report alternate route is also available on record.

4. Considering the fact that there is private dispute as well as personal dispute between the petitioner and other villagers and also that on gata No.965 919 are recorded as abadi and not public land coupled with the fact that it seems to be a personal dispute rather than a public interest cause and consequently in the writ proceedings the disputed questions of facts as raised by the petitioner cannot be decided. In view of the above, writ petition would not be maintainable and is according **dismissed**.

5. However, in case the petitioner has any dispute he is at liberty to approach the revenue authorities for redressal of his grievances.

(Alok Mathur, J.)

Order Date :- 7.11.2023
RKM.