

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1050 of 2023

Petitioner :- Ajay Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 10 Others

Counsel for Petitioner :- Anil Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 to 4.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. Petitioner approached this court seeking a direction to respondents to get remove the illegal encroachment/possession of the private respondents from the land Gata No. 1932/07610 hect. recorded as Pond Land (Talab), Gata No. 1926/0.1010 hect. recorded as Main Road, and Gata No. 1962/0.4410 hecct. recorded as Nali in the revenue record, sitauted at village Payagpur, Tehsil - Payagpur, pargana and District - Bahraich.
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 Naveen Parti. He further submits that on the basis of complaints preferred by the villagers, 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 Sections 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 under Sections 26 & 67 of U.P. Revenue Code, 2006 before the respondent No. 4 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 :- 8.11.2023

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