

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1058 of 2023

Petitioner :- Asha Ram

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Lko. And 8 Others

Counsel for Petitioner :- Ajay Satyaket

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Alok Mathur, J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for respondents.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. Petitioner approached this court seeking a direction to State respondents to evict the private respondents as well as any other person who encroached upon the public land situated in Gata No. 347/2, area 0.1010 hectares situated in Village - Bhudkuda, Post - Urdauli, Pargana and Tehsil - Maholi, District - Sitapur, expeditiously.
4. Learned counsel for petitioner submits that illegal encroachment over the public land has been made by private respondents existing over Gata No. 347/2, area 0.1010 hectares, Gata No. 803/2, area 0.2020 hectares and Gata No. 1222, area 0.4050 hectares situated in Village - Bhudkuda, Post - Urdauli, Pargana and Tehsil - Maholi, District - Sitapur, and said lands is recorded as 'Banjar' and 'Naveen Parti' respectively, in the revenue records.
5. It is further submitted that with regard to aforesaid illegal encroachment over the public land by the private respondents, the petitioner has moved several applications before the authorities concerned, but till date no action has been taken in this regard.
6. Learned Standing Counsel on the other hand has submitted that petitioner has efficacious remedy under Section 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.
7. 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.

8. 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 competent authority within two weeks from today and in case such an application is made within the aforesaid period, the authority concerned is directed to proceed to consider and decide the same expeditiously, in accordance with law.

Order Date :- 17.11.2023

A. Verma

(Alok Mathur, J.)