

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1069 of 2023

Petitioner :- Gajraj Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Sectt. Lko And 8 Others

Counsel for Petitioner :- Farooq Ayoob, Km. Pooja Tiwari

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

Hon'ble Alok Mathur, J.

1. Heard Sri Farooq Ayoob, learned counsel for the petitioner as well as learned Standing Counsel for 1 to 4 and Sri Mohan Singh, learned counsel appearing for respondent no. 5.

2. By means of present writ petition the petitioner has sought direction to the State respondents to remove illegal encroachment of private respondents on public land being Gata No. 996, area 0.2930 hectares and Gata No. 912, area 0.1010 hectares, situated at Village - Daskhand, Majre and Post - Kasimganj, Pargana - Dewa, Tehsil - Nawabganj, District - Barabanki.

3. It is submitted by learned counsel for the petitioner that private respondent no. 7 has illegally encroached upon the public land being Gata No. 996, area 0.2930 hectares and Gata No. 912, area 0.1010 hectares, situated at Village - Daskhand, Majre and Post - Kasimganj, Pargana - Dewa, Tehsil - Nawabganj, District - Barabanki, which plots are registered as "Khalihan" in the revenue records. In this regard the petitioner has moved applications before the competent authority but till date no action has been taken for removal of illegal encroachment of private respondent on the aforesaid public land.

4. Learned Standing Counsel has submitted that petitioner has remedy under Section 67-A of the U.P. Revenue Code, 2006, of moving an application before the competent authority with regard to removal of illegal encroachment over the public land and under the said Act, 2006, the competent authority is empowered to take action against illegal encroachers and imposition of penalty is also provided.

5. Learned counsel for the petitioner at this stage submits that petitioner may be granted liberty to move appropriate

application under Section 67-A of the U.P. Revenue Code and has prayed for suitable direction to the competent authority to consider and take steps for removal of illegal encroachment by the illegal encroacher from the aforesaid public land.

6. Learned Standing Counsel has no objection to the above limited prayer made by learned counsel for the petitioner.

7. In view of above, without entering into the merits of the case, present writ petition is **disposed of** with liberty to the petitioner to move appropriate application under Section 67-A of the U.P. Revenue Code, 2006 with regard to removal of illegal encroachment by the private respondents over the public land, before the competent authority within two weeks from today. In case any such application is made, the competent authority shall proceed to consider and decide the same expeditiously, in accordance with law.

Order Date :- 9.11.2023

A. Verma

(Alok Mathur, J.)