

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1077 of 2023

Petitioner :- Jai Prakash Singh

Respondent :- The State Of U.P. Thru. Addl. Chief Secy.
Revenue Deptt. Civil Sectt. Lko. And Others

Counsel for Petitioner :- Rudra Mani Shukla

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

Hon'ble Alok Mathur,J.

1. Heard Sri Rudra Mani Shukla, learned counsel for petitioner as well as learned Standing Counsel for the State respondents and Sri Mohan Singh, learned counsel appearing for respondent no. 4.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. By means of present writ petition the petitioner has approached this court seeking a direction to the State respondents to evict the private respondent nos. 5, 6 and 7 as well as any other person who has illegally encroached upon the public land being Gata No. 2618, area 0.0660 hectares, situated in Village - Kanpa, Tehsil - Baldirai, District - Sultanpur, expeditiously.
4. Learned counsel for petitioner submits that illegal encroachment over the public land has been made by private respondents existing over Gata No. 2618, area 0.0660 hectares, situated in Village - Kanpa, Tehsil - Baldirai, District - Sultanpur, and said land is recorded as 'Chak Road' in the revenue record.
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 prescribed period, the competent authority is directed to proceed to consider and decide the same expeditiously, in accordance with law.

Order Date :- 28.11.2023

A. Verma

(Alok Mathur, J.)