

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1080 of 2023

Petitioner :- Ram Kishan

Respondent :- State Of Thru. Prin. Secy. Deptt. Of Revenue Civil Sectt. Lko. And 7 Others

Counsel for Petitioner :- Lalji Yadav, Vineet Kumar Yadav

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Alok Mathur, J.

1. Heard Sri Lalji Yadav, learned counsel for the petitioner, learned Standing counsel for respondent No.1 to 4 and Ms. Ambika Gupta holding brief of Sri Pankaj Gupta for the Gaon Sabha - respondent No.5.

2. For the reasons stated in this order issuance of notice to the private respondents is dispensed with.

3. By means of the present public interest petition the petitioner has prayed for removal of illegal encroachment made by private respondent on Gata No.774/0.2510 hectare situated at Village Naya Nagar, Pargana Rehra Bazar, Tehsil Utraula, District Balrampur which is recorded as *banjar* in the revenue records.

4. It has been stated that the said land has been illegally encroached by private respondents while on the other hand, Gram Panchayat has passed resolution for construction of a water tank on the said land but private respondents are not permitting the authorities to raise water tank and accordingly interference of this Court has been sought in this regard.

5. Learned Standing counsel, on the basis of the instructions, submitted that there is no encroachment on gata No.774 and that there was a proposal for construction of water tank on the said land but subsequently an inspection was done by Field Engineer of the work agency and report was submitted on 12.10.2023 stating that the said land is not fit for construction of the water tank and accordingly water tank is not being constructed at that site.

6. Considering the written instructions obtained by learned Standing counsel no interference is required with regard to construction of water tank in the said village but in case the petitioner feels that there is some illegal encroachment on the gaon sabha land he has an alternate remedy by filing appropriate application before the concerned authority under Section 67 of U.P. Revenue Code. In case such an application is

moved within two weeks from today, the competent authority shall proceed to consider and decided the same expeditiously.

7. With aforesaid observations and direction the petition stands **disposed of.**

(Alok Mathur, J.)

Order Date :- 20.11.2023
RKM.