

**Court No. - 17**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1087 of 2023

**Petitioner :-** Ram Chandar

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue Govt. Lko. And 7 Others

**Counsel for Petitioner :-** Abhijit Raj

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

**Hon'ble Alok Mathur, J.**

1. Heard Sri Abhijit Raj, learned counsel for the petitioner, learned Standing counsel for the State and Sri Pankaj Gupta for the Gaon Sabha.

2. By means of the present public interest petition the petitioner has stated that the land of gata No.s 130 area 0.134 hectare, 131 area 0.04 hectare, 115 area 0.065 hectare (recorded as pond in the revenue records) as well gata No.132 (Ka) area 0.951 hectare (recorded as chakmarg) situated at Village Anantpur, Pargana, Tehsil and District Gonda are public utility land where the private respondents have illegally encroached/made illegal possession and constructions.

3. It is further stated in para 16 of the writ petition that proceedings under Section 67 (1) of U.P. Revenue Code has already been initiated against all the encroachers. It is further stated that the proceedings have been initiated at the behest of the petitioner and the same are pending before the competent authority.

4. It is noticed that during pendency of the proceedings under Section 67 (1) of U.P. Revenue Code the prayer as sought by the petitioner for a direction to the opposite parties to release the Gaon Sabha land and remove the encroachments cannot be granted by this Court in proceedings under Article 226/227 of the Constitution of India. Necessary orders will be passed by the competent authority while concluding the proceedings under Section 67 of the Code wherein they have sufficient powers to pass orders for eviction against the illegal encroachers as well as pass penalty orders.

5. Considering the facts that the proceedings are already pending before the competent authority no direction can be issued. However, it is provided that the proceedings of

Section 67 which are pending may be concluded expeditiously.

6. Subject to aforesaid observations the petition is **dismissed.**

**(Alok Mathur, J.)**

**Order Date :- 22.11.2023**

RKM.