

Court No. - 8

Case :- WRIT - C No. - 10284 of 2023

Petitioner :- Ram Tej

Respondent :- State Of U.P Thru. Prin. Secy. Deptt.
Revenue Govt. Civils Ecrt. Lko. And 5 Others

Counsel for Petitioner :- Chandra Bhan Yadav

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

Hon'ble Pankaj Bhatia, J.

Heard learned counsel for the parties and perused the record.

The present writ petition has been filed by the petitioner with the following prayers:

"(i) Issue a writ, order or direction in the nature of mandamus commanding to the opposite party no. 2 to 4 for taking the necessary action against illegal occupier removing the encroachment over the public utility land Gata No. 4/0.004 hectare 6/0.040 hectare and Gata No. 7/0.069 hectare situated at Village Hasnapur Dhawariya Pargana Hisampur, Tehsil Kaisarganj, District Bahraich recorded as a Rasta in revenue record in the interest of justice.

(ii) Issue a writ, order or direction in the nature of mandamus thereby direct the opposite party no. 3 i.e. Sub Divisional Officer, Tehsil Kaisarganj, District Bahraich to decide the representation dated 09.08.2023 contained as Annexure No. 4 pending before him within a stipulated period."

Learned Standing Counsel produced the instructions, which are taken on record.

In terms of the said instructions, on the basis of the inspection carried out, no encroachment exists over the property in question. The said facts are disputed by the counsel for the petitioner.

In view of the factual dispute, the present writ petition is ***disposed of*** with direction that in the event that encroachment exists, the petitioner may approach the authority concerned by filing an application under Section 67 of the U.P. Revenue Code, 2006, which shall be decided in accordance with law.

Order Date :- 4.12.2023

Arun