

Court No. - 17

Case :- WRIT - C No. - 10381 of 2023

Petitioner :- Ram Pher

Respondent :- State Of U.P Thru. Prin. Secy. Revenue Civil
Sect. Lko. And 3 Others

Counsel for Petitioner :- Vinay Kumar Tiwari

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

Hon'ble Alok Mathur, J.

1. Heard Sri Vinay Kumar Mishra, learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 & 4 and Sri Pankaj Gupta, learned counsel for respondent No. 3.

2. In light of the proposed order, notices to respondent No. 4 is dispensed with.

3. Petitioner approached this court seeking a direction to District Collector, District - Gonda to stop the unauthorized encroachment by respondent No. 4 upon the land gata No. 178 Kha admeasuring area 0.0610 hctare, situated at Village Rasoolpur, Pargana Mahadeva, Tehsil Tarabganj, District Gonda which is recorded as Devsthan in the revenue record.

4. Learned counsel for petitioner submits that respondent No. 4 is illegally encroaching upon the land of Gata No. 178 Kha situated at aforesaid village despite the fact that the same is public utility land and recorded as Devsthan. It has also been stated that representation has been made by the petitioner in this regard to the competent authority but no action has been taken by them consequently present writ petition has been filed.

5. 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.

6. 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.

7. 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 competent authority and in case such an application is made within two weeks from today, competent authority is directed to proceed to consider and decide the same expeditiously in accordance with law.

(Alok Mathur, J.)

Order Date :- 29.11.2023/Ravi/