

Court No. - 8

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1108 of 2023

Petitioner :- Jagdish Prasad

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue U.P. Lko. And 4 Others

Counsel for Petitioner :- Udai Pratap Yadav

Counsel for Respondent :- C.S.C., Pankaj Gupta- B/P0017/2012

Hon'ble Pankaj Bhatia, J.

1. Heard learned Counsel for the petitioner and learned Standing Counsel.

2. The present petition has been filed with the following prayers:

"(i) Issue a writ, order or direction in the nature of Mandamus thereby commanding the opposite parties/ Authorities concern to ensure release of Gaon Sabha Land having Gata No. 4/0.0240 hectare and Gata No. 11/0.1090 hectare i.e. Gram Sabha Land recorded as Chak Marg, situated at Village Bandaraha, Babhanipayar, Tehsil- Mankapur, District Gonda, from illegal encroachment of the land grabber and restore it to its original shape.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 1 to initiate inquiry against inaction on the part of the authorities concern in not removing encroachment from Gaon Sabha Land i.e. Gata No. 4/0.0240 hectare and Gata No. 11/0.1090 hectare i.e. Gram Sabha Land recorded as Chak Marg, situated at Village Bandaraha, Babhanipayar, Tehsil- Mankapur, District Gonda in order to punish the guilty persons/authorities."

3. The contention of the learned Standing Counsel based upon instructions is that a report was furnished on 20.05.2023 to the effect that on inspection, it was found that Gata No.4 and 11 were registered as Chak Marg and were vacated of any obstruction.

4. The contention of the Counsel for the petitioner is that the said report is false, for which, the petitioner has already approached the District Magistrate, Gonda.

5. In view of the aforesaid fact that the report is on record and according to the petitioner, the said order is incorrect, the matter is relegated to the District Magistrate, Gonda who shall cause

an inspection over the property in question and determine whether the report submitted by the Lekhpal and as contained in Annexure-3 is correct or not. Accordingly, he shall take fresh steps in case the encroachment still exists over the land in question. The District Magistrate shall pass orders in terms of the directions issued hereinabove within a period of four weeks from the date of production of a certified copy of this order.

Order Date :- 29.11.2023

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