

Court No. - 19

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1121 of 2023

Petitioner :- Srinath Tiwari

Respondent :- State Of U.P. Thru. Secy. For Revenue, Lko. And 4 Others

Counsel for Petitioner :- Mohammad Mudassir Saleem, Shashank Shukla

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

Hon'ble Jaspreet Singh, J.

Heard Shri Mohammad Mudassir Saleem, learned counsel for the petitioner. Notice on behalf of the respondents No.1 to 4 has been accepted by the office of Chief Standing Counsel. Shri Pankaj Gupta, learned counsel has accepted notice for the respondent No.5.

The petitioner has approached this Court by filing this petition in the nature of Public Interest Litigation seeking a remedy in the nature of mandamus commanding the respondents to ensure that the land bearing Plot No.244-Ga, 288, 1026, 1028 and 332-Ga, situate in Village Parsad, Tehsil Tarabganj, District Gonda which is under the illegal encroachment may be made free of such encroachment and be utilized for the purposes it is entered in the revenue records.

Learned standing counsel has provided a copy of the written instructions issued under the signatures of Tehsildar Tarabganj, District Gonda dated 02.09.2023 for perusal of the Court and the same be taken on record.

From a perusal of the written instructions, it transpires that the above-mentioned plots which are subject matter of the instant petition has already been noticed by the authority concerned and they initiated proceedings under Section 67(1) of the U.P. Revenue Code, 2006.

Since, the proceedings have already been initiated and it is stated that the next date fixed is 25.12.2023, accordingly it does not appear any subsisting cause of action for the petitioner. Hence, the Court is not inclined to entertain the petition. However, it is observed that the authorities, who was taken the cognizance of the proceedings under Section 67(1) of the U.P. Revenue Code, 2006 shall after affording full opportunity of hearing to the parties, decide the same in accordance with law.

In the result, the petition is **disposed of**.

Order Date :- 2.12.2023

Rakesh/-