

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1130 of 2023

Petitioner :- Krishan Prakash Goswami

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Civil Sectt. Lko And 5 Others

Counsel for Petitioner :- Balak Ram,Ravindra Kumar Yadava

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard learned counsel for the parties.
2. By means of the present writ petition the petitioner has sought a direction to the State authorities to remove encroachment over Gram Sabha land i.e. Gata No.7/0.670 hect. situated at Village Dullapur, Pargana Mijaura, Tehsil Bhati, District Ambedkar Nagar.
3. It has been submitted by learned counsel for the petitioner that the said land is recorded as pond in the revenue records and consequently it has been illegally encroached by the private respondents.
4. Learned Standing counsel, on the basis of the instructions has submitted that private respondents have already filed a writ petition before this Court bearing Misc. Single Writ Petition No.14839 of 2021 staking claim of ownership of the said land wherein during consolidation proceedings the same has been recorded in the name of private respondents. Considering the aforesaid facts a coordinate Bench of this Court in aforesaid writ petition has passed an interim order of status quo.
5. Considering that the matter in question has already been agitated before this Court in Misc. Single Writ Petition No.14839 of 2021 at the behest of private respondents in which an interim order has been passed and consequently no such order as sought by the petitioner can be passed in the present writ petition in the nature of a public interest petition. The petitioner, if he so chooses can move appropriate application in the pending writ petition if he is able to demonstrate that he is a necessary party.
6. In light of the above, especially in view of the fact that the same issue is pending before this Court in Misc. Single Writ

Petition No.14839 of 2021, no orders can be passed by this Court in the present public interest petition. Subject to aforesaid observations this public interest petition is **dismissed**.

(Alok Mathur, J.)

Order Date :- 7.12.2023
RKM.