

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1129 of 2023

Petitioner :- Saleem

Respondent :- State Of U.P Thru. Prin. Secy. Deptt. Revenue Civil Secr.
Lko. And 7 Others

Counsel for Petitioner :- Mohammad Irfan Siddiqui

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Alok Mathur, J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for State -respondents while notice on behalf of Gaon Sabha- respondent No.4 has been accepted by Sri Dilip Kumar Pandey.
2. In light of the proposed order, notices to private respondents are dispensed with.
3. Petitioner has approached this court seeking a direction to opposite parties No.2 to 3 for removal of illegal encroachment, obstruction and construction from the common public benefit of the land of Khasra No. 224 situated in Gram Sabha Karundi, Tehsil- Bakshi Ka Talab, Lucknow, expeditiously.
4. Learned counsel for petitioner submits that aforesaid land is for common public benefit belonging to the Gaon Sabha and is recorded as such in the revenue records.
5. It is further submitted that private respondents are *bhumafia* and land grabbers and have made encroachment over the said land.
6. 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.
7. 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.

8. 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 the competent authority and in case such an application is made the said authority is directed to proceed to consider and decide the same expeditiously in accordance with law.

(Alok Mathur, J.)

Order Date :- 7.12.2023

RKM.