

Court No. - 17

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1139 of 2023

Petitioner :- Munna Lal Shukla

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue U.P. Lko. And 6 Others

Counsel for Petitioner :- Arun Kumar Tewari

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

Hon'ble Alok Mathur, J.

1. Heard Sri Arun Kumar Tewari, learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 & 2.

2. In light of the proposed order, notices to private respondents are dispensed with.

3. Petitioner approached this court seeking a direction to respondent No. 2 to remove illegal encroachment made by private respondents over the Gata No. 832/0.0690 hect. recorded as Talab (Jalmagn Land), village - Itraur, Tehsil Mankapur, district - Gonda.

4. Learned counsel for petitioner submits that private respondents are illegally encroaching upon the land of Gata No. 832/0.0690 hect. situated at aforesaid village despite the fact that the same is public utility land and recorded as Talab (Jalmagn) in the revenue records.

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 Tehsildar concerned and in case

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

(Alok Mathur, J.)

Order Date :- 12.12.2023/Ravi/