

Court No. - 18

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1168 of 2023

Petitioner :- Suraj Kumar Pandey @ Suraj Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. U.P.
Lucknow And 12 Others

Counsel for Petitioner :- Shanker Lal Pandey

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Shree Prakash Singh,J.

Sri S.N.Pandey, Advocate has put in appearance by way of filing Counter Affidavit alongwith Vakalatnama on behalf of opposite parties no. 7 to 10 and the same are taken on record.

Heard Sri Shanker Lal Pandey, learned counsel for the petitioner, Sri Pankaj Khare, learned Additional Chief Standing Counsel for the State and Sri S.N.Pandey, learned counsel for the opposite parties no. 7 to 10 and perused the material placed on record.

The instant petition has been filed with the prayer to direct the opposite parties no. 2 to 4 to remove the illegal encroachment made by the opposite parties no. 7 to 13 over the land of Khasra/Khata Nos. 615, 50, and 604 recorded as 'Gairmukin'(reserve land) in the revenue record in the Village-Bhewai(Aasal), Pargana and Tehsil-Amethi, District-Amethi.

Learned counsel appearing for the petitioner submits that the opposite parties no. 7 to 13 are having unlawful possession over the land of Gata Nos. 615,50 and 604, which are recorded as reserved land. He added that though the proceedings under section 67 of the U.P.Revenue Code, 2006 are pending before the revenue authorities, but, those are not being finalized and the opposite parties are enjoying the property of Gaon Sabha.

On the other hand, learned counsel appearing for the opposite parties no. 7 to 10 has vehemently opposed the contentions aforesaid and submitted that it is not a public interest litigation, but, it is a personal interest litigation as there is a dispute in

between the opposite parties no. 7 to 10 and the petitioner himself, is having unlawful possession over the land in question.

Learned Additional Chief Standing Counsel appearing for the State, on the basis of instructions received, submits that so far as the land of Gata nos. 615 and 604 is concerned, the proceedings under section 67 of U.P. Revenue Code are pending and that will be finalized very soon. He also added that so far as the dispute with respect to Gata No 50 is concerned, if it is prima-facie, found, that there is unlawful possession over the land of gata no. 50, the proceedings under section 67 of the U.P. Revenue Code, would also be invoked by the revenue authorities.

In view of the aforesaid submissions, Tehsildar, Sadar, Tehsil-Amethi, District-Amethi is hereby directed to conclude the proceedings of Case No. T202304710506872 and T202304710506871 expeditiously preferably, within a period of three months from the date of this order, while affording opportunity of hearing to all concerned.

It is further directed that the demarcation of the gata no. 50 shall also be done and if it is found that there is some unlawful possession over it, the Tehsildar shall invoke the powers under section 67 of the U.P. Revenue Code, 2006.

With the aforesaid observations, the instant petition is hereby **disposed of**.

Order Date :- 18.12.2023

AKS