

Court No. - 19

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1181 of 2023

Petitioner :- Ram Shiromani Verma

Respondent :- State Of U.P. Thru. District Magistrate, District Sultanpur And 6 Others

Counsel for Petitioner :- Ankur Srivastav

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

Hon'ble Jaspreet Singh,J.

Heard 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 Mohan Singh, learned counsel has accepted notice for the respondent No.5.

By means of the instant petition preferred in the nature of Public Interest Litigation a direction in the nature of mandamus has been sought by the petitioner directing the respondents No.1 and 2 to decide the representation of the petitioner contained as Annexure No.2. Further, a relief has been sought in the nature of mandamus commanding the respondents No.1 to 2 to initiate appropriate proceedings against the respondents No.3 and 4.

The submission of the learned counsel for the petitioner is that the land in question is a banjar land and the respondents No.6 and 7 have made encroachment and though the petitioner has moved a representation, yet no action has been taken, as a result, the encroachment at the behest of the private-respondents is being perpetuated on the public utility land.

Shri Arun Kumar Singh, learned standing counsel on the basis of the written instructions dated 18.12.2023 under the signatures of S.D.M. Lambhua, District Sultanpur has stated that the land in question relating to Gata No.1090 is usar land as well as the land of Gata No.1101-Kha is the land of 'Navin Parti' as recorded in revenue records.

It has further been indicated that Gata No.1090 was allotted to 23 persons by means of the orders dated 05.07.1992 and 25.10.2002 whereas the Gata No.1191-Kha has been allotted to 14 persons by means of the orders dated 05.07.1992 and 25.10.2002. The persons are residing on the said plots and the entire two plots are completely covered by abadi, roads and there is even an ancient temple. It is further noticed that certain

persons had proceeded a little ahead and made encroachment which has already been removed on 27.04.2023 and in the aforesaid circumstances there is nothing which further requires to be done.

Having considered and noticed the written instructions which has been provided and is taken on record, apparently the petitioner has not indicated true and correct facts and impression is given in the pleadings that the land is of public utility which is being encroached. There is no clear statement regarding the allotment on the nature of the land.

Since, the petitioner has not indicated the true and correct facts, accordingly, this Court is not inclined to entertain the aforesaid petition which is accordingly **dismissed**.

Order Date :- 19.12.2023

Rakesh/-