

Court No. - 18

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1191 of 2023

Petitioner :- Kamlesh Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Lko And 10 Others

Counsel for Petitioner :- Anil Kumar Nishad

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

Hon'ble Shree Prakash Singh, J.

Heard Sri Anil Kumar Nishad, learned counsel for the petitioner, learned standing counsel for State-respondents and Sri Dilip Kumar Pandey, learned counsel for respondent No. 4.

Considering the nature of order proposed to be passed, there is no need to issue notice to respondent Nos. 7 to 10. Present petition has been filed seeking following reliefs:-

a. To issue a writ, order or direction in the nature of mandamus commanding the opposite parties to comply and execute the eviction order dated 30-1-2021 of case no.01901/2020, case no 01900/2020, case no. 01899/2020, case no 01898/2020 passed by Tehsildar/assistant collector Tehsil Bilgram District- Hardoi under section 67 of U.P. Revenue code 2006 against opposite party no. 7 to 10 In Public utility land Khalihan Gata no. 1088 situated village Kursath khurd Tehsil Bilgram District. Hardoi U.P. in accordance with para- 460 of U.P. Revenue court Manual [Amendment] Regulation 2016 The copy of order dated 30-1-2021 of case no.01901/2020, case no 01900/2020, case no. 01899/2020, case no 01898/2020.

b. To issue a writ, order or direction in the nature of mandamus commanding the opposite parties to remove encroachment over Public utility land Khalihan Gata no. 1088 situated village Kursath khurd Tehsil Bilgram District. Hardoi U.P. to opposite party no. 7 to 10 in which already eviction order dated 30-1-2021 has been passed as case no. 01901/2020, case no 01900/2020, case no. 01899/2020; case no 01898/2020 under section 67 of U.P. Revenue code 2006. in accordance with para- 460 of U.P. Revenue court Manual [Amendment] Regulation 2016. The copy of order dated 30-1-2021 of case no.01901/2020, case no 01900/2020, case no. 01899/2020, case no 01898/2020.

Learned counsel for the petitioner submitted that there is already an order of respondent No. 4 for removal of

encroachment, but till date same has not been complied with.

Sri Pankaj Kumar Gupta, learned counsel for respondent No. 4 submitted that Para-460 of U.P. Revenue Court Manual (Amendment) Regulation, 2016 provides for execution of order passed under section 67 of U.P. Revenue Code, 2006, therefore, petitioner may file fresh application for execution of order before respondent No. 4 in accordance with Para-460 of U.P. Revenue Court Manual (Amendment) Regulation, 2016.

In view of the facts and circumstances of the case, without advertng the case on merits, the writ petition is **disposed of** with liberty to the petitioner to move fresh application alongwith relevant documents for execution of order before respondent No. 4 in accordance with Para-460 of U.P. Revenue Court Manual (Amendment) Regulation, 2016 within four weeks from today. In case any such application is filed, respondent No. 4 is directed to consider and decide the same in accordance with Para-460 of U.P. Revenue Court Manual (Amendment) Regulation, 2016 maximum within period of two months from the date of submission of certified copy of this order.

Order Date :- 22.12.2023
Mayank