

**Court No. - 18**

**Case :-** WRIT - C No. - 11538 of 2023

**Petitioner :-** Muneshwar Prasad

**Respondent :-** State Of U.P. Thru. Prin. Secy. Revenue, U.P. Lucknow  
And 13 Others

**Counsel for Petitioner :-** Sharad Pathak, Piyush Pathak

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

**Hon'ble Shree Prakash Singh, J.**

Heard learned counsel for the petitioner, learned Standing Counsel for the State, Sri Dilip Kumar Pandey, learned counsel for the Gaon Sabha and perused the material placed on record.

The instant writ petition has been filed with the following reliefs:-

*"(i) To issue an order or direction in the nature of mandamus directing/commanding the Opp. Party no. 3 & 4 to take appropriate action on the representation/application filed by the petitioner Annexure No. 6 & 7 before them under section 67 & 26 of the Revenue Code, 2006 and further restrict the Opp-party no. 9 to 14 from making encroachment over the Gata No. 482 situated at Village-Sarayen Karora, Pargana & Tehsil-Mohanlalganj, District-Lucknow, which is recorded as 'Chak Marg' in the revenue records.*

*(ii) To issue an order or direction in the nature of mandamus directing/commanding the Opp. Party No.2,3 & 4 to remove the encroachment made by Opp-Party no. 9 to 14 over the Gata No. 482, situated at Village-Sarayen Karora, Pargana & Tehsil-Mohanlalganj, District-Lucknow.*

*(iii) To issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case;*

*(iv) ....."*

Learned counsel appearing for the petitioner submits that the opposite parties no. 9 to 14 have encroached over the land of Gata No. 482, situated at Village-Sarayen Karora, Pargana & Tehsil -Mohanlalganj, District-Lucknow, which is recorded as 'Chak Marg' in the revenue records. He argued that the petitioner has also moved an application on 19-01-2023, but, the Tehsildar concerned did not consider the same and it is still

pending consideration. Therefore, submission is that the interest of justice would be sub-served, if this Hon'ble Court may be pleased to direct the opposite party no. 4 (Tehsildar, Mohanlalganj, District-Lucknow) to decide the representation of the petitioner, so far as it relates to removal encroachment over the land in question is concerned, within a stipulated period of time.

On the other hand, learned Standing Counsel appearing for the State has opposed the contentions aforesaid and submits that the petitioner has not moved an appropriate application and therefore, the same cannot be entertained.

Considering the submissions of learned counsel for the parties and after perusal of material placed on record, the opposite party no. 4, is hereby directed to consider and decide the representation of the petitioner dated 19-09-2023 within a period of four months from the date a copy of this order is produced before it, in accordance with law, after affording opportunity of hearing to all the parties concerned, if there is no legal impediment.

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

**Order Date :-** 22.12.2023  
AKS