

Court No. - 18

Case :- WRIT - C No. - 11657 of 2023

Petitioner :- Shah Alam Khan And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue U.P.
Lko. And 5 Others

Counsel for Petitioner :- Dinesh Kumar Shukla

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

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioners, learned Standing Counsel for the State, Sri Pankaj Gupta, 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) Issue a writ order or direction in the nature of Mandamus commanding to the opposite party no. 2 to 4 for taking necessary action against opposite party no. 6/illegal encroacher over the public utility land gata No. 154/0.010, hectare situated at village-Rajapur Mafi Pragana, Tehsil and District Bahraich, recorded as a Rasta in revenue record in the interest of justice.

(ii) Issue a writ order or direction in the nature of Mandamus thereby direct to the opposite party no. 3 i.e. Sub.Divisional Magistrate, Tehsil-Sadar, District-Bahraich decide the application dated 15.08.2023 within a stipulated period fixed by this Hon'ble court contained as Annexure No. 4 to writ petition in the interest of justice.

(iii).....

(iv)"

Learned counsel appearing for the petitioners submits that the opposite party 6 has encroached over the public utility land of gata No. 154/0.010, hectare situated at village-Rajapur Mafi Pragana, Tehsil and District Bahraich, which is recorded as a Rasta in revenue record. He argued that the petitioners have also moved an application on 15-08-2023, but, the Sub.Divisional Magistrate, Tehsil Sadar, District-Bahraich, 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. 3 to decide the representation of the petitioners, so far as it relates to removal of the 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, but, he has no objection, if the representation of the petitioners is decided in time bound manner.

Considering the submissions of learned counsel for the parties and after perusal of material placed on record, the opposite party no. 3, is hereby directed to consider and decide the representation of the petitioners dated 15-08-2023 within a period of three 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