

Court No. - 4

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 541 of 2024

Petitioner :- Sant Ram And Others

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

Counsel for Petitioner :- Dinesh Kumar

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

Hon'ble Subhash Chandra Sharma,J.

1. Heard learned counsel for the petitioners, learned A.C.S.C. for the State respondent, Sri Mohan Singh, learned counsel for the respondent no. 5 and perused the material available on record.

2. The present petition has been filed by the petitioner with the following prayers:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding to the opposite parties to enquire the illegal encroachment made by opposite party no. 6 upon the kachcha marg being land Gata No. 151 mi/0.0190 hectare, situated at Village Kapdha Deeh, Ramnathpur, Tehsil-Jaisinghpur, District Sultanpur and to get the said land vacated from such illegal encroachment.

(ii) Issue a writ, order or direction in the nature of mandamus commanding to restrain the opposite party no. 6 from encroachment and to take illegal possession upon the land recorded as Abadi bearing Gata No. 151 mi/0.0190 hectare, situated at Village Kapdha Deeh, Ramnathpur, Tehsil-Jaisinghpur, District Sultanpur."

3. It is submitted by the learned counsel for the petitioners that in the present case, the opposite party no. 6 is making encroachment on the public way regarding which an application has already been moved before the District Magistrate as well as Sub Divisional Magistrate on 11.06.2024 but no action is being taken by the authority concerned, therefore, a request is being made to direct the authority concerned to take necessary action in this regard.

4. Learned A.C.S.C. appearing on behalf of the State

respondent has no objection with regard to the prayer made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is finally ***disposed of*** with a direction to the petitioners to make a fresh representation before the respondent no.3- Sub Divisional Magistrate, Jaisinghpur, District Sultanpur, ventilating their grievances within ten days from today along with a certified copy of this order enclosing therewith a copy of petition and its entire Annexures and, if any such representation is made, the said authority shall make all endeavours to consider and decide the same expeditiously in accordance with law preferably within a period of 30 days from the date of receipt of the said representation.

Order Date :- 25.6.2024

Arun