

Court No. - 4

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 547 of 2024

Petitioner :- Indra Kumar Pandey

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

Counsel for Petitioner :- Vinod Kumar Pandey

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

Hon'ble Subhash Chandra Sharma, J.

Heard learned counsel for the petitioner as well as learned counsel for the Gram Sabga alongwith learned counsel for the State and perused the material on record.

The present writ petition has been moved with prayer to issue a writ, order or direction in the nature of mandamus commanding the opposite parties particularly the opposite party nos.2 & 3 to remove the encroachment from the land lying in Gata No.334 Mi. measuring area 0.6300 hectare situated at Village Baura Jagdishpur, Pargana Aldemau, Tehsil Jaisighpur, District Sultanpur within stipulated time.

It is submitted by learned counsel for the petitioner that he is resident of the same village where land in dispute is situated i.e. gata no.334 area measuring 0.6320 hectare, recorded as non-agricultural land in the revenue record. The opposite party no.6 is making constructions on the aforesaid land which is gaon sabha land/property regarding which he has filed several applications before the learned S.D.M. on which report was called from the concerned lekhpal who submitted the report that work has been stopped. It was seen by the learned S.D.M. on 29.02.2024 even though the opposite party is continuing to make constructions on the aforesaid land, therefore, request to direct the revenue authorities to take necessary steps in this regard.

Learned counsel for the State as well as learned counsel for the Gram Sabha contended that gata no.334 is minzumla in which 0.0380 hectare is abadi land. There is no any demarcation in the said land and the opposite party no.6 is making constructions on the abadi land wherein he was residing in thatch and by removing it he is making pakka construction regarding which money was granted to him under the Government Awas Scheme. The lekhpal has also reported the same to the learned

S.D.M. on 29.02.2024.

Considering the facts and circumstances of the case, submissions made by learned counsel for the petitioner as well as learned counsel for the State and Gram Sabha, it appears that in this case the land belonging to gata no.334 minzumla is in dispute and it consists of 0.632 hectare as non-agricultural land and 0.0380 hectare as abadi land as mentioned in the report of lakhpal dated 29.02.2024 on which he is said to make constructions with money granted under the Government Awas Scheme. In the aforesaid situation, it is expedient to direct the revenue authorities specially the opposite party no.3 i.e. Sub-Divisional Magistrate to ensure as to whether construction is being made by the opposite party no.6 on the land which was allotted to him for residential purpose or it is being done on the Gram Sabha land. In case, it is found to be made on the Gram Sabha land necessary steps be taken by him in this regard, in accordance with law.

Accordingly, this petition is ***disposed of*** finally.

Order Date :- 28.6.2024

Ashok Gupta