

Court No. - 19

Case :- WRIT - C No. - 10912 of 2024

Petitioner :- Chandra Shekhar And Another

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

Counsel for Petitioner :- Rajeiu Kumar Tripathi

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

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioners, learned State Counsel for opposite parties 1 to 4, Mr. Pankaj Gupta learned counsel for opposite party No.5. In view of order being passed, notice to opposite party No.6 stands dispensed with.

2. Petition has been filed challenging order dated 23rd June, 2022 passed in proceedings under Section 67 of the Revenue Code 2006 as well as order dated 23rd February, 2024 and 24th August, 2024 passed in pursuance thereof by the appellate authority.

3. Learned counsel for petitioner submits that initially proceedings under section 67 of the Revenue Code 2006 were held against which the opposite party No.6 who filed a recall which was allowed.

4. It is submitted that illegal encroachment of opposite party No.6 was found over gata No. 1012 which was recorded as a kharanja road whereas petitioner's plot is gata No. 1011 but in the garb of implementation of order passed under section 67 of the code, two metre encroachment was made by the authorities on gata No. 1011 belonging to the petitioner. It is also submitted that aforesaid encroachment of petitioner's gata is in fact on the basis of certain reports submitted by Lekhpal concerned and by the authority concerned.

5. Learned counsel for opposite parties have raised an objection regarding locus standi of petitioner in challenging the orders impugned which have been passed primarily against opposite party No.6 in proceedings under section 67 of the Code. It has been submitted that in case of such grievance as has been raised by petitioner, the appropriate remedy is already available to him under Section 24 of the Code itself particularly since no other application or proceedings have been initiated by the petitioner.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material, the facts as narrated

herein above are self evident.

7. It is also evident that primary grievance of petitioner is with regard to alleged illegal encroachment upon gata No.1011. In case the petitioner is aggrieved by any alleged encroachment upon his gata in pursuance of proceedings under Section 67 of the Code, it is very well open to petitioner to approach the authorities under the appropriate provision particularly pertaining to demarcation of the property.

8. In case any such application is preferred by petitioner, same shall be decided expeditiously by the authorities concerned on its own merits without being guided by proceedings under Section 67 of the Code.

9. In view of aforesaid directions, the petition stands disposed of.

Order Date :- 18.12.2024

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