

Court No. - 7

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1102 of 2024

Petitioner :- Ved Prakash

Respondent :- State Of U.P. Thru. Its Prin. Secy. Housing Lko. And 7 Others

Counsel for Petitioner :- Amit Tripathi

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

Hon'ble Pankaj Bhatia, J.

1. Heard learned Counsel for the petitioner as well as learned Standing Counsel and Sri Pankaj Gupta, learned Counsel appearing on behalf of the respondent no.5 and Ms. Priyanka Singh, learned Counsel appearing on behalf of the respondent no.6.

2. The present writ petition has been filed with the following prayer:

"(i) issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the respondent No. 2 & 3 to remove the illegal encroachment made by opposite party No. 6 to 8 from Gata no 61, Khatauni No. 00146, Khasra 7, area 7810 hectare situated in Gram Loniyaapur Gram Panchayat Taradaha, Tehsil Patti, District Pratapgarh which is recorded in the revenue record as 'Naveen Parti' in the interest of justice.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 1 to initiate inquiry against inaction on the part of the authorities concern in not removing encroachment from Gaon Sabha Land i.e. Gata no 61, Khatauni No.00146, Khasra 7, area 7810 hectare situated in Gram Loniyaapur Gram Panchayat Taradaha, Tehsil Patti, District Pratapgarh recorded as 'Naveen Parti' in the revenue which are recorded as public utility land in the revenue record, from illegal encroachment of the land grabbers, in order to punish the guilty persons/authorities."

3. Learned Standing Counsel based upon instructions states that three proceedings have already been initiated under Section 67 of the U.P. Revenue Code.

4. The Counsel for the respondent no.6 states that the property of the petitioner is situate at Gata No.83 and is being wrongly shown to be subsisting of Gata No.61, for which, a civil suit has already been filed.

5. Considering the said submission, it is directed that the

proceedings initiated under Section 67 of the U.P. Revenue Code shall be decided expeditiously. While doing so, the claim of the respondent no.6 shall also be considered and proper demarcation proceedings shall be initiated to ascertain the true estate of the property, which is said to have been allegedly encroached. The respondents no.6 and 7 shall also be heard while deciding the proceedings.

6. The writ petition is ***disposed off*** in the above terms.

Order Date :- 18.12.2024

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