

Court No. - 18

Case :- WRIT - C No. - 8025 of 2022

Petitioner :- Geeta Devi

Respondent :- State Of U P And 11 Others

Counsel for Petitioner :- Kailash Nath Singh

Counsel for Respondent :- C.S.C.

Hon'ble Prakash Padia,J.

Counsel for the petitioner is permitted to implead Gaon Sabha, concerned as respondent no.13 in the array of parties and serve notice upon Sri B. K. Tripathi, Advocate, appearing on behalf of gaon sabha.

The petitioner has preferred present writ petition inter-alia with the following prayers :-

"i) Issue a writ, order or direction in the nature of Mandamus commanding the respondent no.2 to take an appropriate action upon the application filed by the petitioner dated 27-9-2021, within stipulated time as directed by this Hon'ble Court (Annexure no.1 to the writ petition).

ii) Issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to demarcate the plot no.11 क/0.040, 11 ग/0.008 and 11 घ /0.182 hectare situated in Village Molnapur, Pargana Ghisua, Tehsil Machhlishaher, District Jaunpur under Rule 85 (3) of UPCH Rules, 1954."

It is argued by counsel for the petitioner that in Public Interest Litigation filed by one Amarnath being P.I.L. No.278 of 2021 direction has been issued by the Coordinate Bench of this Court on 15.7.2021 by which petitioner in that petition was directed to submit a representation before the Assistant Collector as per procedure contained under Section 67 of the U.P. Revenue Code, 2006. It is further argued that since petitioner-Amarnath in that writ petition himself was a encroacher no proceedings were initiated and due to illegal encroachment of the land of the petitioner, petitioner is unable to construct the portion of his house.

On the other hand it is argued by learned Standing Counsel as well as Sri B. K. Tripathi, counsel for the gram sabha that remedy is available to the petitioner to approach the Tehsildar, concerned as per procedure prescribed under Section 67 of the U.P. Revenue Code, 2006.

At this stage a prayer has been made by counsel for the petitioner to permit the petitioner to approach the authority concerned.

In view of the same, if petitioner submits an application before the Tehsildar, concerned as per procedure contained under Section 67 of the U.P., Revenue Code, 2006, Tehsildar, concerned is directed to take a decision in the matter expeditiously.

With the aforesaid observations, present writ petition is disposed of.

Order Date :- 29.4.2022

Pramod Tripathi