

Court No. - 4

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 357 of 2023

Petitioner :- Allauddin Abdul Hamid Choudhary

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Revenue Lko. And 4 Others

Counsel for Petitioner :- Dinesh Kumar Mishra, Dinesh Kr. Chaudhary

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

Hon'ble Rajesh Singh Chauhan, J.

Heard Sri D.K. Mishra, learned counsel for the petitioner, Sri Yogesh Kumar Awasthi, learned Standing Counsel for the State.

Notice for opposite party no. 4 / Gram Panchayat has been accepted by Sri Pankaj Gupta, Advocate.

In view of the proposed order notice to private opposite parties is dispensed with.

By means of this petition the petitioner has prayed following relief :

"To issue a writ, order direction of or in the nature of mandamus commanding the opposite party No. 3 to ensure the removal of encroachment over the gata No. 177 recorded as Khalihan, Gata No. 169 recorded as a Pond, Gata No. 137 recorded as a Graveyard (Kabristan), Gata No. 178 recorded as a Coposite pit, Gata No. 162 recorded as a Pokhra, Gata No. 166 Public way in revenue record, situated in Village Chichaudi, Sahgiya, Laludeeh, Tahsil Utraula, District Balrampur, occupied by the private opposite party after taking action U/S 67 of U.P. Revenue Code 2006 as per law in the interest of justice."

Learned Standing Counsel has produced the copy of instruction letter dated 27.4.2023 preferred by the Sub-Divisional Officer, Utraul, District Balrampur addressed to Chief Standing Counsel enclosing therewith the detailed comments, relevant correspondences, copy of spot memo, coloured photograph of the Gata in question and copy of khatauni, same are taken on record.

As per aforesaid instructions after conducting the spot inspection by the team of revenue it is found that there is illegal encroachment over the gata in question, therefore, required exercise u/s 67(1) of the U.P. Revenue Code, 2006 has been undertaken against the illegal encroachers by instituting case bearing Case Nos.. T202308100303023 (Gaon Sabha vs. Mohd. Umar), T202308100303021 (Gaon Sabha vs. Maqbool) and T202308100303025 (Gaon Sabha vs. Arman) wherein the date is fixed for 17.5.2023.

Learned Standing Counsel has further submitted on the basis of instructions that the appropriate orders will be passed within time frame as prescribed u/s 67 and rules thereof.

Having heard learned counsel for the parties and perused the instruction letter dated 27.4.2023, I do not find any good ground to keep this P.I.L. pending any longer.

Accordingly, the instant P.I.L. is **disposed of** finally at the admission stage directing the competent authority to decide the case still pending u/s 67 of the Code with expedition strictly in accordance with law by affording an opportunity of hearing to the parties concerned within the time frame as stipulated in section 67 of the Code.

.

(Rajesh Singh Chauhan, J.)

Order Date :- 28.4.2023

Om