

Court No. - 3

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 653 of 2025

Petitioner :- Abdul Majeed Alias Kunnu Khan

Respondent :- State Of U.P. Thru. The Prin. Secy. Revenue Lko. And 11 Others

Counsel for Petitioner :- Abdul Alim Khan, Mohd. Vakar Khan

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

Hon'ble Arun Kumar Singh Deshwal, J.

1. Instructions filed by Sri Yogesh Kumar, learned Standing Counsel is taken on record.

2. Heard Sri Abdul Alim, learned counsel for the petitioner, Sri Vishal Gupta, Advocate, holding brief of Sri Pankaj Gupta, learned counsel for the gaon sabha and Sri Yogesh Kumar, learned Standing Counsel for the State.

3. Present petition has been filed for the following relief:

"(i) issue a writ order or direction in the nature of mandamus commanding the Opp. Party no. 2 & 3 to remove the illegal encroachment over the public utility land which is recorded in revenue records as 'Public Path' and 'Chak Marg' pertaining to (i) gata No. 342 area 0.664 hectare, (ii). gata No. 293 area 0.97 hectare, and (iii). gata No.13 area 0.971 which are recorded as public path whereas the gata No. 23 area 0.130 hectare is recorded as chakmarg, situated at Village- Basgaon, Pargana - Hisampur, Tehsil-Kaisarganj, District- Baharaich which was encroached by the Opp. party no. 6 to 12 forthwith, in the interest of justice.

(ii) issue a writ order or direction in the nature of mandamus commanding the opposite party No.3/Assistant Collector, Tehsil- Kaisarganj, District- Baharaich to take appropriate action on the representation dated 09.06.2025 filed by the petitioner for removal of the illegal encroachment over (i) gata No. 342 area 0.664 hectare, (ii). gata No. 293 area 0.97 hectare, and (iii). gata No.13 area 0.971 which are recorded as public path whereas the gata No.23 area 0.130 hectare is recorded as chakmarg, situated at Village- Basgaon, Pargana - Hisampur, Tehsil-Kaisarganj, District- Baharaich, as contained in Annexure No.2 to this writ petition, in the interest of justice."

4. Learned Standing Counsel has produced the instructions sent by the Tehsildar-Kaisarganj, District-Baharaich. As per the instructions, a measurement was conducted and it was found that there was no encroachment over Gata No.23 which is a chak marg. However, it is found that Gata Nos.13 and 342 have been partially encroached and against the encroacher proceeding u/s 67(1) of U.P. Revenue Code,

2006 has been initiated and detail of the same has been provided in the above instructions.

5. As the authorities have already initiated the proceeding against the encroachers over the Gata Nos.13 and 342, therefore, cause of this PIL is no more survives. However it is expected that the authority concerned will decide the aforesaid proceeding u/s 67(1) of the U.P. Revenue Code, 2006, as expeditiously as possible, in light of the judgement of **Daya Shankar Vs. State of U.P. & 4 Others** reported in **2023 (6) ADJ 181**.

6. With the aforesaid observation, present petition is **disposed of**.

Order Date :- 30.6.2025

S.Chaurasia