

Court No. - 6

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1780 of 2020

Petitioner :- Yash Pal Singh

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Achchhey Lal Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Ajay Bhanot,J.

Sri Achchhey Lal Tiwari, learned counsel for the petitioner contends that the petitioner has intimated the competent authority about the encroachment of public land. Despite receipt of such information with material particulars the competent authority failed to discharge the statutory obligations under Section 67(2) of the Uttar Pradesh Revenue Code, 2006.

The proceedings are pending for an inordinately long time, without good reasons. The authorities have not implemented the statutory mandate.

Due to apathy and failure on part of the respondents have been emboldened to continue the encroachment with a sense of impunity.

Public land in the State of U.P. is most vulnerable to encroachment. Encroachment over such public land is not countenanced by the legislature. The Uttar Pradesh Revenue Code, 2006, is the response of the legislature to deal with the endemic problem of encroachment over public lands. The purpose of legislative intent will be defeated in case the statutory authorities do not discharge their statutory functions in a timely manner.

Encroachment on public lands causes irreversible damage to public interest.

The courts too have set their face against such encroachment.

The officials charged with the duty, to investigate and clear such encroachment, are under an obligation of law to proceed with dispatch, efficiency and in conformity with the provisions of the statute while dealing with issues relating to encroachment over public lands.

Issue notice to the respondent nos 6 to 9 by registered post AD as well as by regular process returnable within four weeks. Steps be taken within two weeks.

Sri Mukul Tripathi, learned Standing Counsel to obtain instructions from the competent authority as to why the said authority has been prima facie negligent in performance of its statutory duties.

In case, the instructions are not forthcoming on the next date the concerned person/official shall remain present in person before this Court along with the records, to assist the Court.

Put up on 05.02.2021 in the list of fresh cases before the appropriate Bench.

It is made clear that this case shall not be treated as tied up or part heard to this Bench.

Order Date :- 7.1.2021
Ashish Tripathi