

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1375 of 2025

Petitioner :- Chhedilal

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Abhishek Kumar Pandey, Alok Singh, Mohammad Zunaid Khan, Sunita Sharma, Vijay Chandra Srivastava, Yadvendra Rai Pandey

Counsel for Respondent :- C.S.C., Sharad Chand Rai

Hon'ble J.J. Munir, J.

When this matter has come up for admission, Mr. V.C. Srivastava, Advocate says that the petitioner may be permitted to withdraw this petition with liberty to file a fresh petition. Mr. Irfan Ali, Advocate holding brief of Mr. Abhishek Kumar Pandey, learned counsel for the petitioner, who have filed this petition along with Mr. Alok Singh and Mr. Mohd. Zunaid Khan, Advocates, submits that this prayer for withdrawal is a result of pressure brought upon the petitioner by respondent no. 5, Kesar Singh, who is an ill reputed land *Mafia* with a criminal history of 16 cases registered against him in district Fatehpur. He has invited the attention of the Court to the criminal history of respondent no. 5 summarized at page no. 66 of the paper book. The offences there are under the Gunda Act, more than one cases of attempt to murder, mischief, damage to public property and criminal intimidation. Mr. Irfan Ali submits that it is on account of the threats extended by respondent no. 5 that the petitioner is attempting to withdraw this petition through Mr. V.C. Srivastava, Advocate.

Be that as it may, this Public Interest Litigation and the petitioner does not have an indefeasible right for withdrawing a PIL. Once a public cause is brought to this Court's notice, the petitioner if he abandons it, leaves the Court with the option to direct the petitioner to be substituted by some other public spirited person ready and willing to espouse the cause or the matter may be converted into a *Suo Motu* action.

Let the Secretary (Home), Government of U.P., Lucknow and the Director General

of Police, Government of U.P., Lucknow be made parties to this petition during the course of the day.

What has been brought to the notice of this Court is that respondent no. 5 has encroached into the land comprising *Gata* No. 276, *Gata* No. 294 and 308 besides *Gata* Nos. 292, 298 and 299 as also *Gata* Nos. 295 and 296, all situate in Village Rakshapalpur, Pargana Ekhla and Tehsil Khaga, District Fatehpur. These plots are all public utility land and recorded as *Khalihan*, Manure Pit besides *Banjar* which is *Gaon Sabha* land.

Let the Collector, Fatehpur and the Sub Divisional Officer, Khaga, District Fatehpur submit a report on or before 29.05.2025, if the plot numbers aforesaid are indeed *Gaon Sabha* land or public utility land encroached by respondent no. 5.

Notice on behalf of respondent no. 5, who is present in Court, is accepted by Mr. Sharad Chand Rai, Advocate. He will file a counter affidavit by the next date fixed. He will explain his criminal history also and categorically explain the case that has been put forward by Mr. Irfan Ali that the petitioner has been threatened into withdrawing the PIL.

Lay as **fresh** on **29.05.2025**.

Let this order be communicated to the Collector, Fatehpur and the Sub Divisional Officer, Khaga, District Fatehpur through the Chief Judicial Magistrate, Fatehpur by the Registrar (Compliance) within **24 hours**.

Order Date :- 26.5.2025
Brijesh Maurya