

Court No. - 18

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 98 of 2022

Petitioner :- Shravan Kumar Chauhan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anand Kumar Srivastava

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Prakash Padia, J.

Heard learned counsel for the petitioner, learned Standing Counsel for respondent Nos. 1 to 3 and Sri Bhupendra Kumar Tripathi, learned counsel for respondent No. 4.

The petitioner has filed the present Public Interest Litigation with the prayer to direct the respondents to get demarcate the land of Banjar Arazi No.268 to construct the Panchayat Bhawan and save the land of Pond Arazi No.269 situated in Village Nonauti, Pargana Athgawan Tehsil Pindara, District Varanasi.

Since there is allegation with regard to encroachment over the Government land, this Court is of the considered opinion that the cause of justice would be best served if the District Magistrate, Varanasi is directed to cause an inquiry and take appropriate steps in accordance with law in case encroachment is found on the Government land.

In view whereof, this court deems it appropriate to issue following directions:

(i) The petition be treated as representation made to the District Magistrate, Varanasi about encroachments on subject land, which incidentally is Government land/public property.

(ii) The District Magistrate shall cause to make inquiry into this grievance and if he is convinced about the same, he will be obliged to take action against the encroachers and unauthorized structures to remove the said encroachment on the public property with utmost dispatch by following due process and giving opportunity to all concerned.

(iii) If the District Magistrate has any difficulty in taking follow-up action as per the direction issued by him, must report that fact to this Court forthwith and seek appropriate directions as may be required.

(iv) If Revenue Authority intends to proceed to remove/demolish unauthorized structure standing on the public property and apprehends any threat from the encroachers with regard to that action, may request Superintendent of Police, District Varanasi to provide sufficient police force for security arrangement. If such request is made, the Superintendent of Police shall personally ensure that adequate police force is deputed on the site, on the date and time notified by the Revenue Authority for proceeding with the removal/demolition of unauthorized structure(s) standing on the public property.

(v) Any person aggrieved by the decision or action of the Revenue Authorities will be free to challenge the same by way of appropriate proceedings, if so advised, before the Court of competent jurisdiction.

(vi) If any adverse order is passed by the District Magistrate the affected person(s) be given one week's time before taking action on the basis of that order to enable the concerned person(s) to assail that order by way appropriate proceedings before the Court of competent jurisdiction.

(vii) After removal/demolition of unauthorized structure(s), the District Magistrate shall cause to initiate proceedings for recovery of compensation/damages for unauthorized user of the public property as per rules and recover that amount from the concerned occupant of the unauthorized structure, in accordance with law and as arrears of land revenue.

Let the entire exercise be done within a period of three months from the date of communication of this order.

Action taken report be filed by the District Magistrate, Varanasi in this Court on or before 06.07.2022

The petition stands disposed of in above terms, save and except for reporting compliance on 06.07.2022

Order Date :- 22.3.2022

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