

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1409 of 2025

Petitioner :- Shubhash Prasad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Janardan Shukla

Counsel for Respondent :- C.S.C.,Sudhir Bharti

Hon'ble J.J. Munir,J.

The petitioner alleges encroachment in Plot No. 207/0.73 hectare recorded as *Rasta*, Plot No.208/0.162 hectare recorded as *Naveen Parti*, Plot No. 263/0.372 hectare recorded as *Rasta* and Plot No. 264/0.174 hectare recorded as *Pokhari* in the revenue record, all situate in Village Mathiya Mahaval, Tappa Tarkulwa, Pargana Shahjahanpur, Tehsil and District Deoria. Learned counsel for the petitioner has drawn the Court's attention to the extract of the *Khatauni* at Page nos.15, 16, 17 and 18 of the paper book, where the aforesaid plots are recorded as mentioned above.

Issue notice.

Notice on behalf of respondent nos. 1,2,3 and 4 is accepted by Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel. Mr. Sudhir Bharti, Advocate accepts notice on behalf of respondent no. 5. Both the learned counsel for the respondents are granted three weeks time to file a counter affidavit.

List for **admission** on **10.07.2025** along with a report regarding status of pleadings.

In addition to the counter affidavit to be filed on behalf of the respondents, generally answering the case in the writ petition, the District Magistrate, Deoria and the Sub Divisional Magistrate,

Sadar, District Deoria shall file their personal affidavits indicating if the aforesaid plots are indeed recorded in the revenue record as indicated in the *Gaon Sabha Khata*, and if so, whether these are encroached by anyone. In case the said plots are encroached and the land registered in the *Gaon Sabha Khata* as indicated above, what steps have been taken to remove the encroachment shall also be indicated in the affidavit.

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

Order Date :- 27.5.2025

Brijesh Maurya