

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1506 of 2025

Petitioner :- Amit Kumar

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Himanshu Raghav Pandey, Ram Kishore Pandey

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble J.J. Munir, J.

In compliance with our order dated 14.07.2025, the personal affidavit of the Sub-Divisional Magistrate, Tehsil- Sikandrabad, District- Bulandshahr is before the Court, filed in the office on the same day, that is 14.07.2025.

In the personal affidavit filed by the District Magistrate, Bulandshahr, it is averred in paragraph nos. 6 and 7:

"6. That it is most respectfully submitted that with regard to the land of Gata No.272 mi, situated at village Moradabad, Pargana and Tehsil Sikandrabad, District Bulandshahr, the court of Consolidation Officer, has passed the order dated 03.04.2024 in computerised Case No.202454111717010081 (State of U.P. Versus Consolidation Committee, Gram Panchayat) under Rule 109 (Ka) (1), mentioning therein that "न्यायालय बन्दोबस्त अधिकारी चकबन्दी बुलन्दशहर की अपील संख्या 304 कम्प्यूटर वाद संख्या 0234/2024 अन्तर्गत धारा 11 (1) में पारित आदेश दिनांक 27.03.2024 के अनुपालन में मुरादाबाद परगना व तहसील सिकन्द्राबाद जिला बुलन्दशहर के जोत चकबन्दी आकार पत्र 45 के खाता सं० 302 आबादी के खाते से गाटा संख्या 272 मि० रकबा 12.06.2017 खारिज होकर जोत चकबन्दी आकार पत्र-45 के खाता संख्या 299 तालाब के खाते श्रेणी-6(1) में पूर्व की भांति गाटा संख्या 272 मि० रकबा 14-6-17 बन्दोबस्ती दर्ज हो।" In compliance thereof, the land of Khata No.455 of Gata No.272mi. area 3.6290 hectare is recorded as "Talab", in category 6-1, in the revenue record/Khatauni Fasli year 1428 to 1433.

7. That it is most respectfully submitted that after spot inspection, it was found that respondent no.7 Bijendra Singh son of Kishanchand has encroached the land of area 816 square meter of Gata No.272 mi, by constructing a residential house for the last eight years, regarding which the report was submitted to the court Tehsildar Sikandrabad on RC Form 19 by the Halka Lekhpal against respondent no.7 Bijendra Singh son of Kishanchand, thereafter, under Section 67 of the Uttar Pradesh Revenue 2000 Code, 2006, the eviction case was instituted against Bijendra Singh son of Kishanchand in the court of respondent no.5 Tehsildar/Assistant Collector, being Computerized Case No.T-202511170408753. Thereafter, the RC Form-20 has been issued by the court of Tehsildar Sikandrabad, in which the next date is fixed as 17.07.2025.

The Respondent No.8/Ravindra Kumar son of Shyam Singh has encroached the land for the last ten years by constructing a residential house on area 540 square meters of Gata no.272 mi. Regarding which, the report was submitted in the court of Tehsildar

Sikandrabad on RC Form No.19 by the Halka Lekhpal against respondent no.8/Ravindra Kumar son of Shyam Singh, thereafter, under Section 67 of the Uttar Pradesh Revenue Code, 2006 the eviction cases has been filed against Ravindra Kumar son of Shyam Singh in the court of respondent no.5/Tehsildar/Assistant Collector, being computerized Case No.T-202511170408751. Thereafter, the RC Form 20 has been issued by the court of Tehsildar Sikandrabad, in which the next date is fixed as 17.07.2025. The Respondent No.9/Sunil Kumar S/o Shyam Singh has encroached the area 540 square meter of Gata No.272 mi. by constructing a residential house for the last ten years.

The Respondent No.9/Sunil Kumar S/o Shyam, regarding which the report was submitted in the court of Tehsildar Sikandrabad on RC Form No. 19 by the Halka Lekhpal, thereafter, under section 67 of the Uttar Pradesh Revenue Code, 2006 the eviction cases was filed against Sunil Kumar son of Shyam Singh in the court of respondent no.5 Tehsildar/Assistant Collector, being computerized Case No.-T202511170408746. Thereafter, the RC Form 20 has been issued by the court of Tehsildar Sikandrabad, in which the next date of hearing is fixed as 17.07.2025.

The Respondent no.10 Harjeet son of Aman Singh resident of village Moradabad, pargana and tehsil Sikandrabad, district Bulandshahr has encroached the area 804 square meter of Gata No.272 mi by constructing a residential house for the last eight years. For which a report was submitted in the court of Tehsildar Sikandrabad on RC Form No.19 by the Halka Lekhpal against respondent no.10 Harjeet son of Aman Singh. Thereafter. under section 67 of the Uttar Pradesh Revenue Code, 2006, the eviction case was filed against Harjeet son of Aman Singh in the court of Tehsildar / Assistant Collector, being computerized Case No.T-202511170408756. The RC Form 20 has been issued by the court of Tehsildar Sikandrabad, in which the next date of hearing is fixed 17.07.2025.

The Respondent no.11 Chandrajeet Singh son of Aman Singh resident of village Moradabad Pargana and Tehsil Sikandrabad district Bulandshahr has encroached the land of Gata No.272 mi by constructing a residential house on area 804 square meter for the last eight years. Regarding which a report was submitted in the court of Tehsildar Sikandrabad on RC Form No. 19 by the Halka Lekhpal against respondent no.11 Chandrajit Singh son of Aman Singh. Thereafter, under section 67 of the Uttar Pradesh Revenue Code, 2006, the eviction case was filed against Chandrajit Singh son of Aman Singh in the court of respondent no.5/Tehsildar/Assistant Collector, being computerized Case No.T-202511170408749. The RC Form 20 has been issued by the court of Tehsildar Sikandrabad, in which the next date of hearing is fixed 17.07.2025.

The Respondent no.12 Dhanveer son Harswaroop resident of village Moradabad Pargana and Tehsil Sikandrabad district Bulandshahr has encroached the area 120 square meter of Gata No.272 mi by constructing a residential house for the last 12 years. In this regard, a report was submitted in the court Tehsildar Sikandrabad on RC Form No.19 by the Halka Lekhpal against respondent no.12/Dhanveer son of Harswaroop, thereafter a report was submitted in the court

Tehsildar Sikandrabad and on the basis of which the eviction cases under Section 67 of the Uttar Pradesh Revenue Code, 2006 was filed against Dhanveer son of Harswaroop in the court of Tehsildar, Case No.T-Sikandrabad, being computerized 202511170408745. The RC Form 20 has been issued by the court of Tehsildar Sikandrabad, in which the next date of hearing is fixed 17.07.2025. Other than these respondents, there are some more encroacher on the gata no 272 Ml of Gram Sabha Land and similar action will also be taken against them in accordance with the law.

For kind perusal of this Hon'ble Court, copies of the case status of eviction cases, filed against the respondent nos.7 to 12, under Section 67 of the Uttar Pradesh Revenue Code, 2006 are being filed herewith and marked collectively as ANNEXURE NO.PA-1 to this affidavit."

There is an identical stand by the Sub-Divisional Magistrate.

It would thus be evident that the proceedings under Section 67 of the U.P. Revenue Code, 2006 have been initiated against persons alleged to be encroachers.

A short counter affidavit, on the other hand, has been filed by respondent nos. 7 to 12, who are said to be encroachers, by Mr. Pradeep Kumar, learned Senior Advocate, assisted by Mr. Omkar Nath Vishwarkarma, learned Counsel. Much material here has been disclosed to show that the issue, in the present proceedings, has already been examined by the Consolidation Authorities and a revision before the Deputy Director of Consolidation is pending at the instance of respondent nos. 7 to 12, besides others.

Let the petitioner file a rejoinder to the short counter affidavit filed on behalf of respondent nos. 7 to 12 and also to the personal affidavits of the Collector, Bulandshahr and the Sub-Divisional Magistrate, Tehsil- Sikandrabad, District- Bulandshahr.

Adjourned to **05.08.2025**.

Liberty to mention.

Order Date :- 17.7.2025
Prashant D.