

**Court No. - 49**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1589 of 2025

**Petitioner :-** Jitendra Kumar Bind

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

**Counsel for Petitioner :-** Sanjay Kumar Srivastava, Saroj Kumar Ram

**Counsel for Respondent :-** C.S.C.

**Hon'ble J.J. Munir, J.**

The petitioner alleges encroachment by respondent no. 4 in plot no. 839 situate at Village-Chak Shekh Ahmad urf Kusehata, Tehsil- Phoolpur, District- Prayagraj, which is said to be recorded as pond (Talab) in the revenue records.

Learned Counsel for the petitioner has drawn the attention of the Court to the extract of the *khatauni* at page no. 11 of the paper book, where the said plot is recorded as *Talab*.

Issue notice.

Notice on behalf of respondent nos. 1 to 3 is accepted by Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel. He is granted two weeks' time to file a counter affidavit.

Steps to serve respondent no. 4 shall be taken by R.P.A.D. within three days.

List for **admission** on **18.07.2025** at the top of the list, along with a report regarding service and the postal track attached. A report regarding status of pleadings shall also be made by the office.

Apart from the counter affidavits to be filed on behalf of the respondents, generally answering the petitioner's case in this writ petition, the District Magistrate, Prayagraj and the Sub-Divisional Magistrate, Tehsil- Phoolpur, District- Prayagraj shall file their own affidavits, indicating if plot no. 839 situate at Village-Chak

Shekh Ahmad urf Kusehata, Tehsil- Phoolpur, District- Prayagraj is a recorded *Talab*, and if it is so, whether there is encroachment in the aforesaid plot made by respondent no. 4 or anyone else; and if encroachment is there, what steps have been taken to remove the encroachment.

Let this order be communicated to the District Magistrate, Prayagraj and the Sub-Divisional Magistrate, Tehsil- Phoolpur, District- Prayagraj through the learned Chief Judicial Magistrate, Allahabad by the Registrar (Compliance) **by Monday**.

**Order Date :- 4.7.2025**

Deepak