

Ratnesh Kumar Mishra vs State Of U.P. And 3 Others on 3 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:31588

Court No. - 50

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 379 of 2025

Petitioner :- Ratnesh Kumar Mishra

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

Counsel for Petitioner :- Raman Pandey

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for Gram Sabha.

2. The instant Public Interest Litigation has been filed for the following relief:

"(1). Issue, a writ order, or direction in the nature of mandamus, directing the authority concerned not to construct the Gate over the public utility land path of the village Dhorika, Post Siyarapar, Teshil-Basti Sadar, District-Basti, whereby the width of the road is reduced.

(2). Issue a writ, order or direction in the nature of mandamus, directing the authority concerned construct the Gate without effecting the widening of the road."

3. Learned counsel for the petitioner submitted that authorities are constructing the Gate over the public utility land, as such authorities be restrained from constructing the gate over the plot in question.

4. Instruction dated 16.02.2025 sent by Tehsildar, Basti, Sadar is taken on record and learned Standing Counsel is directed to serve the copy of instruction upon counsel for the petitioner.

5. Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for the Gaon Sabha on the basis of the instruction submitted that plot No.477 kha area 0.645 hectare is recorded as banjar in the revenue record and passage is existing over the same since long. They further submitted that construction of pillar of the gate up to the certain extent has been completed as such no interference is required in the matter. They further submitted that by the construction of gate, the passage will not be blocked in any manner, as such no interference is required in the matter.

6. I have considered the arguments advanced by the learned counsel for the parties and perused the record.

7. There is no dispute about the fact regarding the revenue entry of the plot in question.

8. The instructions sent by Tehsildar, Basti, Sadar will be relevant for perusal which is as under:-

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(i) To issue a writ order or direction in nature of mandamus directing the authority concerned not to construct the Gate over the public utility land path of the village Dhorika, Post Siyarapar, Tehsil Basti Sadar, District Basti whereby the width of the road is reduced, The writ petition is likely to come up for hearing as fresh on 17-02-2025 ?
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9. In view of the facts mentioned in the instruction as quoted above, there is no scope of interference in the matter by way instant public interest litigation.

10. The instant public interest litigation is accordingly dismissed.

Order Date :- 3.3.2025 PS*