

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 29 of 2024

**Petitioner :-** Ram Surat

**Respondent :-** State Of U.P. And 9 Others

**Counsel for Petitioner :-** Sanjay Yadav, Vinod Kumar Maurya

**Counsel for Respondent :-** C.S.C., Ranjeet Asthana, Vinod Kumar Maurya

**Hon'ble Arun Bhansali, Chief Justice**

**Hon'ble Vikas Budhwar, J.**

1. Heard Sri Sanjay Yadav, learned counsel for the petitioner, Sri A. K Goyal, learned Addl. Chief Standing Counsel for State respondents and Sri Ranjeet Asthana, learned counsel for respondent no. 6.

2. This writ petition purportedly in public interest has been filed *inter-alia* seeking a direction to the respondent nos. 2 and 4 to comply with the demolition order dated 13.10.2022 passed by the respondent no. 2.

3. The petition was filed with the submissions that order dated 13.10.2022 has been passed *inter-alia* indicating that land in question comprised in Gata no. 17 was that of park and play ground and therefore, the construction raised by the respondent nos. 6 to 10 was required to be demolished. However, despite passing of sufficient long time from the said order, the authorities are not implementing the said order and therefore, direction in this regard may be issued.

4. A response has been filed on behalf of the respondent no. 6 *inter-alia* indicating that the petitioner has filed this petition by suppressing material facts from this Court. Submission has been made that *qua* the land in question, a competent court i.e. Naib Tehsildar has already passed order for recording the land in question in the name of respondent nos. 6 to 10, against which the petitioner has filed appeal, which appeal has been dismissed by the Deputy Collector, against which he has filed revision before the Commissioner, which remains pending, wherein the interim order granted by the Commissioner has been stayed by this Court in Writ - C No. 11581 of 2023. Further submission has been made that against the order dated 13.10.2022 the respondents have filed appeal, which remains pending with the appellate authority, and in all the matters, the petitioner is a party. However, without disclosing the said fact before this Court, the petition has been

filed seeking to get order of demolition despite pendency of the proceedings.

5. A rejoinder has been filed *inter-alia* denying the averments made in the reply and submission has been made that the claim is only pertaining to Gata no. 17, which is a reserved land for play ground.

6. Counsel for the petitioner when confronted with the pendency of various litigations pertaining to the subject matter of Public Interest Litigation, attempted to make submissions that none of the cases pertain to Gata no. 17. However, a perusal of the order produced by the respondents clearly indicates that the same pertains to Gata No. 17 as well.

7. In that view of the matter, apparently the present petition has been filed by suppressing the pendency of the litigations *inter-se* parties and the petition in the form of Public Interest Litigation is sought to be utilized seeking implementation of the order against which appeal is pending *inter-se* parties, orders have been passed by the competent court. The said conduct of the petitioner cannot be countenanced.

8. Consequently, the petition purportedly filed in public interest is **dismissed** with a cost of Rs.25,000/- (Rupees Twenty Five thousand). The cost be deposited by the petitioner with the Legal Services Committee of this Court within a period of four weeks from today. In case the cost is not deposited within the said period of four weeks, the petitioner shall not be permitted to participate in the pending litigations, pertaining to the subject matter of the present petition.

**Order Date :- 6.5.2024**

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(Vikas Budhwar, J.)      (Arun Bhansali, CJ)