courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 22/08/2026

(2009) 10 AHC CK 0177

In the Allahabad High Court

Panna Lal and Others — APPELLANT

Vs

District Magistrate and Others — RESPONDENT

Date of Decision : 07-10-2009

Acts Referred:

Citation : (2010) 1 AWC 19

Hon'ble Judges : Rakesh Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Sharma, J.—Heard learned Counsel for the petitioners as well as learned standing counsel and perused the record.

2. It emerges from perusal of the records that a Writ Petition No. 1611 of 2009, Smt. Triveni v. State of U.P. and Ors. was filed in this Court, which was disposed of vide a judgment and order rendered on 21.1.2009. The petitioner in Writ Petition No. 1611 of 2009, Smt. Triveni Devi, had raised a grievance that she had made an application to the District Magistrate, Gautam Buddh Nagar with regard to illegal activities of the respondents, namely, Panna Lal, Chandra Pal, Amar Pal, Moti Lal, Natthi, Babu, Binnami, Shish Pal, Mahesh, Kehar, Banwai and Murari, all residents of village-Rampur Bangar, Tehsil Jewar, district Gautam Buddh Nagar, who were encroaching upon the public utility land, that is, the Chakroad and Drain.

3. The Court had taken note of the submissions put forth by the petitioner and had directed the Collector, Gautam Buddh Nagar to look into the matter, decide the application of the petitioner and take appropriate action. Accordingly, the District Magistrate, Gautam Buddh Nagar had directed the Sub-Divisional Magistrate, Jewar, district Gautam Buddh Nagar to make spot inspection. In pursuance thereof, the Sub-Divisional Magistrate, on 13.8.2009 had visited the spot alongwith a team consisting of the concerned Lekhpal and other Lekhpals, Supervisor Kanungo and the local Police. He had also gone through the revenue

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/panna-lal-and-others-appellant-hash…

records, Sazra and revenue map. On spot inspection, the Sub-Divisional Magistrate found that the Gata No. 216 was recorded as Chakroad and Gata No. 217 was recorded as Drain (nali) in the revenue records. The measurements were carried out by the revenue authorities according to Sazra, Revenue Map of the area and other documents. The team of the revenue officials carried out measurements from the permanent mark and had taken into account the map plan of the area, Sazra, Revenue Map of the Chakroad, nali and abutting plots. On measurement, the southern side was found in accordance with the revenue map/Sazra, but on the western side, the Chakroad and Drain was found encroached by the petitioners.

4. In accordance with the Survey/spot inspection and the measurements, the Chakroads and Drains were duly defined, marked and restored on the spot and as such the Chakroad and Drainage was put in order. Whatever action was taken by the Sub-Divisional Magistrate, Jewar and the District Magistrate, Gautam Buddh Nagar, it was taken in compliance of the order passed by the Court in Writ Petition No. 1611 of 2009. The petitioners were parties to the said writ petition. The impugned order dated 13.8.2009 is, in fact, a consequential order, which has been passed in compliance of the directions contained in the judgment and order passed by this Court. The said action has been taken by the Revenue authorities after making spot inspection, carrying out measurements and demarcation etc. In the circumstances, there appears to be no justification in interfering with such an order, which is a consequential order passed in furtherance of this Court''s order.

5. While carving out the chaks of the farmers, provisions of the Chakroads and nalis (Drains) are made in order to make pathway for Tractors, Bullockcarts and to approach the fields so that the farming work may be carried out easily and smoothly, farmers may reach their fields by using the Chakroads and the Tractors or other agricultural equipments may reach to the fields of the farmers. The Drains are left for irrigations facilities so that the water may reach to the fields and surplus water may be drained out during rainy season to avoid flooding in the fields. Likewise the Public utility lands are also left for the benefit of the villagers. The Chakroads or Drains or Public utility lands etc. are left for the benefits of the farmers and for none else. Thus, it is the duty of the State as well as of the farmers to protect the Chakroads, Drains (nalis) from encroachments.

6. It is being noticed by the Court that in a large number of cases, encroachments on Chakroads, Drains and other public utility lands are being reported. Now-a-days it has become a regular feature in the villages of Uttar Pradesh that the interested powerful villagers and the anti-social elements encroach upon the Chakroads, Drains and Public utility lands etc. In carrying out encroachments on Chakroads, Drains and Public utility lands, the villagers and anti-social elements are taking law in their hands. Due to encroachments on Chakroads, it has become difficult for two vehicles, Bullock-carts or two Tractors to pass through the Chakroads. A large number of Chakroads have been

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/panna-lal-and-others-appellant-hash…

encroached by the erring villagers in the State of Uttar Pradesh. Day by day, the fields of the powerful and influential villagers are eating the width and length of the Chakroads. The situation in the rural India has become alarming and as such Survey operations are urgently required in the villages to demarcate the Chakroads in order to save the Chakroads, Drains and other Public utility lands etc. meant to be protected for rural population including farmers.

7. In these circumstances, the Principal Secretary to Government of U.P., Revenue Department, State of U.P. is hereby directed to issue necessary directions to all the District Magistrates of the State of Uttar Pradesh to ensure that the encroachments on Chakroads, Drains and other Public utility lands etc. are removed immediately after Survey and regular spot inspection by the Revenue authorities. The District Magistrates of the Districts shall direct the Sub-Divisional Magistrates or the Assistant Collectors to act instantly on receiving the complaints regarding encroachments on Chakroads, Drains and Public utility lands etc. and remove the encroachments on Chakroads, Drains and Public utility lands etc. immediately by making spot inspections and after going through the relevant records. The District Magistrates shall also direct the Sub-Divisional Magistrates and Assistant Collectors to decide the disputes/complaints regarding encroachments within a month from the date of receipt of such applications/ complaints from any corner and take stringent and strict action with the help of the Police to remove the encroachments. The Sub-Divisional Magistrates and the Assistant Collectors shall also make necessary and effective arrangements to stop future encroachments on Chakroads, Drains and Public utility lands by keeping constant vigil.

8. The District Magistrates shall also direct the Sub-Divisional Magistrates and the Assistant Collectors of the Districts that whenever any such complaint is brought to the notice of the concerned Sub-Divisional Magistrate or the Assistant Collector, the concerned Sub-Divisional Magistrate or the Assistant Collector shall take immediate steps in compliance of this Court''s order, failing which the concerned Sub-Divisional Magistrate or the Assistant Collector shall be held responsible.

9. With the above observations and directions, the writ petition is dismissed.

10. Office is directed to send a copy of this judgment and order to the Principal Secretary to Government of U.P., Revenue Department, State of U.P. to issue necessary directions/orders to all the District Magistrates of the State of Uttar Pradesh for strict compliance of the judgment and order passed by the Court today.

Office is also directed to supply copies of this judgment and order to the Chief Standing Counsel, State of U.P. and Sri S.P. Misra, learned standing counsel, State of U.P. for its onward transmission to the Principal Secretary to Government of U.P., Revenue Department, State of U.P. for its compliance and taking necessary action.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/panna-lal-and-others-appellant-hash…