

(2022) 02 RAJ CK 0143

In the Rajasthan High Court

Case No : D.B. Civil Writ Petition No. 15993 Of 2017

Umrav Meena And Others

APPELLANT

Vs

State Of Raj And Others

RESPONDENT

Date of Decision : 21-02-2022

Acts Referred:

Citation : (2022) 02 RAJ CK 0143

Hon'ble Judges : Akil Kureshi,CJ;Sudesh Bansal, J

Bench : Division Bench

Advocate : Subhash Sharma, Akshay Sharma

Final Decision : Disposed Of

Judgement

The petitioner, by way of instant public interest petition has raised the issue regarding illegal encroachment over the land of Khasra No.316, 732/244 recorded as pasture land, situated at Village and Post Mainpura, Tehsil Udaipurwati, District Jhunjhunu.

Counsel for petitioner submits that several complaints/ representations have been made before the concerned Revenue Authorities including the District Collector for seeking removal of encroachment over the lands of public utility but the concerned authorities have not taken into consideration the grievances of petitioner and neither his complaint/ representation has been decided nor encroachment have been removed. Hence, the petitioner is constrained to approach this Court against the inaction of respondents-authorities.

The issue with regard to removal of encroachment over the pasture land/ land of johad, talab/ river/ river bed/ public way/ Shamshan/ Kabristan etc. it means all type of public utility lands was considered by the Co-ordinate Bench of this Court in case of Jagdish Prasad Meena and Others Vs. State of Rajasthan and Others : DBCWP No.10819/2018 dated 30/01/2019.

This Court directed the State Government to constitute Public Land Protection

Cell (for short, "PLPC") to deal with the issues with regard to such encroachments and in pursuance thereof, special designated PLPC has been constituted in the rural areas headed by concerned District Collector. It is incumbent for the PLPC to inquire and examine such complaints/ representations made with allegations of encroachment over the public utility lands by deputing concerned Sub Divisional Officer/ Tehsildar/ Naib Tehsildar so as to verify whether or not such encroachments have actually taken place on such lands. If the allegations of encroachment are found to be sustained, the PLPC may take appropriate steps in accordance with law for removal of encroachments and appropriate panel action be also taken against the trespassers. It was further observed that the complaints/ representations received in the PLPC, should be decided by passing a speaking order with due information to the respective complainant/ representationist about the action taken. Thus, in the opinion of this Court, it is for the PLPC to consider the issue and if any, encroachment as alleged by petitioners over the public utility lands is found, appropriate action/ steps be taken in that regard.

In that view of matter, we are not inclined to deal with the issue of encroachment as raised by petitioner in the present public interest litigation and the writ petition is disposed of with liberty to petitioner to file a comprehensive representation before the concerned PLPC within a period of four weeks. The PLPC is directed to examine and inquire the allegations made in the representations on merits and to pass a speaking order including to take appropriate steps for removal of encroachment, if any, within a period of four months from the date of receipt of the representation and further to inform about its action/order to the representationist.

All pending application(s) stand(s) disposed of.