



2026:AHC-LKO:7069

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 41 of 2026

Virendra Bahadur Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Revenue Deptt. Lko. And 8
Others

.....Respondent(s)

Counsel for Petitioner(s) : Ajay Pratap Singh
Counsel for Respondent(s) : C.S.C., Mohan Singh

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Ajay Pratap Singh, the learned counsel for the petitioners, Sri Anil Kumar Kushwaha, the learned Standing Counsel appearing on behalf of the State, Sri Mohan Singh, the learned counsel appearing on behalf of opposite party no.7/Gaon Sabha and Sri Kaushal Tiwari, Advocate holding brief of Sri Anil Kumar Mishra, Advocate who has put in appearance on behalf of the opposite party no.9 and filed his vakalatnama, which is taken on record.

2. By means of the instant petition filed in public interest the petitioners have sought a direction to the opposite parties no.4 and 6 to restrain the private opposite parties no.8 and 9 from raising any construction over the land bearing Gata No.541-Ka till final decision of proceedings under Section 67 of U.P. Revenue Code, 2006 as well as till demarcation of land bearing Gata No.541-Ka and Gata No.542, situated in Village Kunda Bhairipur, Pargana Aldemau, Tehsil Kadipur, District Sultanpur.

3. Earlier writ petition bearing PIL No.16 of 2026 was filed seeking issuance of a writ of mandamus to the opposite parties no.4 to 6 to take appropriate action for the protection of Gata No. 541 ka, measuring 1.1320 Hectare situated in Village Kunda Bhairipur, Paragna Aldemau, Tehsil Kadipur, District Sultanpur, which has been recorded in the Name of 'Bheeta' which was illegally encroached by the private respondents no. 8 and 9 by way of raising constructions. This public interest litigation was filed by one Rajdev through Sri Ajay Pratap Singh, Advocate and Sri Vinod Kumar Singh, Advocate. The present PIL has been filed by one Virendra Bahadur Singh

through Sri Ajay Pratap Singh, Advocate.

4. The learned counsel for the opposite party no.9 has opposed the writ petition stating that this petition has also been filed at the behest of previous petitioner Rajdev. The Division Bench has recorded in the order as follows:

"3. The allegation in the PIL is of illegal encroachment of 'Bheeta Land' (Land situated surrounding a pond), bearing Gata No. 541 ka, however, Shri Anil Kumar Mishra, learned counsel appearing for opposite party no.9 says that a PIL is not maintainable because there is a prior rivalry between the family of the petitioner and the opposite party no.9, as the opposite party no.9 has lodged a criminal case against the son and nephew of the petitioner, therefore, the PIL is activated by ill mode. On being confronted as to how if it is so the opposite party no.9 is encroaching on Bheeta Land under the control of Gaon Sabha, Shri Mishra submitted that his client is utilizing Abadi Land and not Bheeta Land.

4. We are informed that proceedings under Section 67 of U.P. Revenue Code, 2006 have been initiated by the Assistant Collector against opposite party no.8 and 9.

5. In view of the aforesaid, we see no reason to proceed in this matter subject to the caveat that the proceedings under Section 67 of U.P. Revenue Code, 2006 can to be taken to its logical conclusion as per law, at the earliest.

6. It is open for the opposite party no.8 and 9 to take such plea in their defence as may be permissible in law in the proceedings under Section 67 of U.P. Revenue Code. 2006, if any.

7. Petition stands disposed of accordingly.

8. We make it clear that we have not at all expressed any opinion on the merits of the allegation and counter allegation with regard to issues pending in the proceedings under Section 67 of U.P. Revenue Code. 2006."

5. When earlier a public interest litigation was filed for removal of encroachment on land bearing Gata No. 541 ka, which has been disposed of by a Division Bench of this court directing that the proceedings under Section 67 of U.P. Revenue Code be taken to its logical conclusion as per law at the earliest, filing of another petition for restraining constructions on

the same land during pendency of proceedings under Section 67 of U.P. Revenue Code is an abuse of the process of law. In case proceedings under Section 67 of U.P. Revenue Code are decided in favour of gaon sabha, encroachment will be removed and the fact that some construction has been raised in the meanwhile will not come in the way of the authorities/gaon sabha to remove the encroachment. Therefore, this petition filed in public interest seeking merely an interim relief of restraining the construction till decision of proceedings under Section 67 of U.P. Revenue Code is not entertainable.

6. Sri Mohan Singh, the learned counsel for the gaon sabha has informed that proceedings under Section 30(2) of U.P. Revenue Code are also pending for partition of property by metes and bounds.

7. It is observed that the proceedings under Section 30(2) of U.P. Revenue Code bearing Case No.1653 of 2024 pending before the Additional District Magistrate (Administrative), Sultanpur shall also be concluded expeditiously in accordance with law.

8. In view of above, the petition is **dismissed**.

January 30, 2026

Ram.

(Subhash Vidyarthi,J.)