



2026:AHC-LKO:4737

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 1279 of 2025

Gajendra Pal Verma And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue
Lko And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Himanshu Vaish, Amrendra Singh
Counsel for Respondent(s) : C.S.C., Dilip Kumar Pandey, Ram Alok
Singh, Sanjeev Kumar Pandey

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Himanshu Vaish, the learned counsel for the petitioners, Shri Vikas Rai, the learned Standing Counsel for the State, Shri Dilip Kumar Pandey, the learned counsel for the Gaon Sabha and Shri Sanjeev Kumar Pandey, the learned counsel for the respondent Nos.7, 9 and 11.

2. By means of the instant petition purportedly filed in public interest, the petitioners have sought issuance of a direction for removal of illegal encroachment over land bearing Gata No.701 which is recorded as manure pit, and to restore the same to its original nature. The petitioners have specifically pleaded that they have no personal interest in the subject matter of the writ petition and they would not get benefited in any manner by it. The subject matter of the writ petition involves larger interest of the villagers, which is being adversely affected due to inaction of the authorities in removal of the encroachment. He has alleged that the private respondents are politically influential persons and they have encroached the land by filling the manure pit and changing nature of the land.

3. The petitioners have claimed that they are actively involved in social activities in the Village and from time to time, they raise issues in the interest of villagers. They are farmers by profession and farming is their main source of livelihood. In support of the claim of the petitioners involvement in social service, two photographs, both showing both the petitioners planting one sapling have been annexed with the petitioner. Some coupons issued in the name of Fast Relief Charitable Team have been annexed with the writ petition which shows that the petitioner No.1 has paid

Rs.50/- on three occasions and Rs.40/- on one occasion for *Beti Vivah Sahyog and death Sahyog*.

4. It appears that the aforesaid evidences have been created to project before this Court that the petitioners are public spirited citizens. This assumption is fortified by the averments made in the counter affidavit filed on behalf of the respondent Nos.7, 9 and 11 wherein it is specifically been pleaded that there is a clear interest of the petitioners involved in the present case as the petitioners' land is adjacent to the land in question. It has been stated that the respondents have not made any encroachment in any public utility land.

5. Learned Standing Counsel has opposed the writ petition on the basis of written instructions provided by the S.D.M., Mahmoodabad on 13.12.2025 and 10.01.2026. The written instructions state that a spot inspection was conducted in presence of villagers and the petitioner, on 16.11.2025. Some villagers have put their signatures on the spot memo but the petitioner declined to put the signatures on it. Upon inspection, it was found that a passage has been made on a portion of the manure pit without raising any *pakka* construction. There is no other passage for the villagers. The instructions dated 10.01.2026 state that another spot inspection was conducted on 08.01.2026 in presence of numerous villagers. The villagers told that there was a *pagdandi* like passage which was being used by the villagers, some soil has been put on the passage by mutual consent and with the consent of the villagers and thus, a passage has been made three metres wide by putting soil. No construction has been made on the manure pit and no encroachment has been made thereon.

6. It has further been stated in the instructions that a compromise was entered into on 25.10.2025 which has been signed by the petitioner No.1- Gajendra Pal and the petitioner No.2- Bhagirath Verma recording that a dispute had occurred between the parties regarding putting a drain pipe and it was agreed that after demarcation of the land by the S.D.M., the pipe will be put.

7. On the strength of the aforesaid facts and circumstances of the case, the learned counsel for the respondents have submitted that the petitioners have filed the writ petition purportedly in public interest, to settle his personal scores as the passage would be causing disturbance to the petitioners whose land is adjacent to the land in dispute.

8. Be that as it may, the instructions reveal that the passage in question is being used by a large number of villagers, who have no other passage. The existence of passage has been said to be in public interest. A passage being used by the public at large, cannot be disturbed in a proceeding which has been instituted and entertained in view of public interest only.

9. However, it is necessary that the revenue record should be corrected and in case the existence of passage has been found in public interest, appropriate action should be taken by the concerned authorities to get the user of the land changed from manure pit to passage in accordance with law.

10. Accordingly, the petition is **disposed off** by issuing a direction to the authorities concerned to take appropriate action for conversion of land used for manure pit to passage in accordance with law.

January 21, 2026

-Amit K-

(Subhash Vidyarthi,J.)