



2026:AHC-LKO:5645-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 665 of 2026

Bhagauti Prasad And 3 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Collector Dist. Bahraich And
13 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajeev Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Shri Rajeev Kumar Singh, learned Counsel for the petitioners and Shri Raj Baksh Singh, learned Additional Chief Standing Counsel for the State.
2. The order for removal of encroachment under Section 67 of the U.P. Revenue Code, 2006 was passed on 09.11.2023 against the private respondents as informed by Shri Raj Baksh Singh, learned Additional Chief Standing Counsel for the State. At some subsequent stage, an application for recall was filed which is still pending. The date of filing of recall has not been provided to the Standing Counsel. Next date fixed is 29.01.2026.
3. We see no reason as to why an application for recall should remain pending for so long. We direct the Tehsildar/Assistant Collector to dispose of the recall application positively within one month of receipt of a certified copy of this order unless there is any legal impediment in this regard. As this order does not prejudice the private respondents in any manner, therefore, notices to them are dispensed with.
4. As regard relief No.2 relating to construction of a Sewer (Nala) on Gata No.337 and 157. It is alleged that the Nagar Panchayat and its authorities are undertaking construction of the Sewer (Nala). Let the petitioners approach the respondent Nos.4 to 6 raising a grievance in this regard

annexing the *Khatauni* pointing out that the land in question is a category 6-2 land and therefore, a Sewer (Nala) cannot be constructed on it. If such a representation is made, the said respondents shall look into the matter and take a decision in this regard before proceeding any further so as to avoid future complications as, ultimately, if it is found that the Sewer (Nala) is being illegally constructed then consequences will follow in law.

5. With the aforesaid observations/directions, the writ petition is **disposed of**.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 27, 2026

-Piyush-