



2026:AHC-LKO:5132-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 413 of 2026

Vahid Ahamad

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Lko. And 15
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sumit Kumar
Counsel for Respondent(s)	:	C.S.C., Surya Prakash Singh

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Shri Rajendra Pratap Singh, learned counsel, has filed his 'vakalatnama' on behalf of opposite party no.14 and Shri Sayyed Farooq Ahmad, learned counsel, has filed his 'vakalatnama' on behalf of opposite party no.15, which are taken on record.

2. Heard Shri Sumit Kumar, learned counsel for the petitioner, Shri Raj Bux Singh, learned Additional Chief Standing Counsel representing the State-respondent(s), Shri Surya Prakash Singh, learned counsel appearing for opposite party no.8 and 9, Shri Rajendra Pratap Singh, learned counsel representing the opposite party no.14 and Shri Sayyed Farooq Ahmad, learned counsel representing the opposite party no.15.

3. By means of this writ petition, the petitioner has prayed for the following relief (s) :-

"(i). Issue a writ, order or direction in the nature of mandamus directing and commanding the opposite parties no. 3, 4 and 5, namely the District Magistrate, Bahraich; Sub-Divisional Magistrate Tehsil Kaiserganj; Tehsildar, Kaiserganj, and the Nagar Panchayat authorities, to forthwith remove the illegal encroachment made by opposite parties no. 10 to 16 over Jalmagan / Panikhata (Talab) land bearing Gata No. 584 (Annexure No. 01 to this writ petition), situated at Jarwal Kasba, Pargana Hisampur, Tehsil Kaiserganj, District Bahraich, which is recorded as public utility land in the revenue records, and to restore the said land to its original natural condition and public use;

(ii). Issue a writ, order or direction in the nature of mandamus directing and commanding the opposite party no. 3 (District Magistrate, Bahraich) and other competent authorities to initiate appropriate departmental and disciplinary proceedings against the erring officials, including the concerned Lekhpal, Revenue Inspector, Executive Officer, Nagar Panchayat Jarwal Kasba Bahraich, Chairman, Nagar Panchayat Jarwal Kasba Bahraich, and other responsible officers, who failed to prevent, report or remove the illegal encroachment, despite having due knowledge thereof and despite the passing of final eviction orders under Section 67 of the U.P. Revenue Code, 2006, thereby indicating collusion, gross negligence, or deliberate inaction;

(iii). Issue a writ, order or direction in the nature of mandamus directing and commanding the opposite parties no. 3, 4 and 5 to take a reasoned, lawful and time-bound decision on the representations submitted by the petitioner, including the representation dated 07.01.2026 addressed to opposite party no. 05, and to ensure strict implementation and execution of the eviction orders dated 22.05.2025, 27.05.2025 and 18.07.2025, passed by opposite party no. 05 under Section 67 of the U.P. Revenue Code, 2006, against opposite parties no. 10 to 16;

(iv). Issue a further writ, order or direction directing the opposite party no. 05 to recover the damages/penalty imposed upon opposite parties no. 10 to 16 for illegal occupation of Jalmagan / Panikhata / Government land/Public Utility (Talab) land, in accordance with law, and to submit a compliance/status report before this Hon'ble Court within such time as may be fixed by this Hon'ble Court."

4. After hearing the parties and perusing the records, what comes out is that proceedings under Section 67 of U.P. Revenue Code, 2006 had been initiated for removal of encroachment on the pond land/land submerged in water. Final orders were passed therein, however, as informed by Shri Raj Bux Singh, Additional C.S.C. alleged encroachers have filed an application for recall of the said proceedings, which is pending consideration and the next date fixed is 28th January, 2026. It appears petitioner was not aware of this fact.

5. In view of this, we direct the Assistant Collector before whom the application for recall is pending, to consider maintainability of such an application and thereafter to take such decision as may be appropriate and required in law within a period of three months from

the date a certified copy of this order is furnished before him.

6. Petition stands **disposed of** in above terms.

January 22, 2026
Praveen

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