



2026:AHC-LKO:407-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 1301 of 2025

Praveen Kumar Dubey

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Geology
And Mining Deptt. Lko. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s) : Dinesh Kumar Mishra, Pankaj Mishra
Counsel for Respondent(s) : C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Supplementary affidavit filed today is taken on record.

2. Heard.

3. This writ petition has been filed by an Advocate seeking following main reliefs:

“(i) To issue a writ, order or direction in the nature of mandamus commanding the opposite party No. 1 and 2 to constitute the committee at the state level for holding the inquiry against the lease holder (opposite party no. 9) as opposite party no. 5 (Regional Enforcement Officer Ayodhya mining Department) lodged the F.I.R. in respect of illegal mining contained as Annexure No. 4 to the writ petition and take the appropriate action for cancellation of the lease of opposite party no. 9 as per law in the interest of justice.

“(ii) To issue a writ, order or direction in the nature of mandamus commanding the opposite party No. 1 and 2 to pass the appropriate order on the application dated 4.12.2025 contained as annexure no. 5 to the writ petition in the interest of justice.”

4. We may in this context refer to an order dated 22.4.2024 passed by this Court in Public Interest Litigation (PIL) No. 337 of 2024 filed by the same advocate, which reads as under:

“1. Heard.

2. Petitioner claims to be a practicing Advocate at the Civil Court,

Ayodhya. He has filed this petition alleging encroachment of defence land and failure of civil/district authorities to remove encroachment.

3. Petitioner's counsel has relied upon a letter dated 11.02.2023 signed by the Lieutenant Colonel, Officiating Command for Station Command, Station Headquarter, Ayodhya Cantt., Ayodhya addressed to the District Magistrate, Ayodhya which in turn refers to the letter of the petitioner. He has also relied upon the letter dated 19.02.2024 sent by the District Magistrate, Ayodhya to the Defence Officers.

4. However, counsel for the Development Authority has raised objections regarding credentials of the petitioner. He has placed before us order dated 25.05.2023 passed in Public Interest Litigation (PIL) No. 483 of 2023 wherein the petitioner is mentioned as having a criminal history of four cases. The Coordinate Bench of this Court declined to entertain the said Public Interest Litigation bearing No. 483 of 2023 at the behest of the petitioner.

5. The said order dated 25.05.2023 reads as under:

"1. Heard the learned counsel for the petitioner and Sri Umesh Chandra, learned Standing Counsel representing the State-authorities.

2. By instituting the proceedings of this Public Interest Litigation, a prayer has been made in respect of some alleged illegal mining of Khasra Plot No. 809 recorded as Khalihan situated in Village Banveerpur, Pargana Magalsi, Tehsil Sohawal, District Ayodhya.

3. Learned State Counsel has been provided with certain instructions by the District Magistrate, Ayodhya which are contained in the letter dated 24.05.2023. The said instructions are taken on record.

4. Learned State Counsel on the basis of said instructions has submitted the complaint made by the petitioner has been enquired into and a report has also been furnished by Enquiry Committee comprising of six government officials on 17.02.2023.

5. It has further been stated that on the basis of said enquiry, appropriate action is being taken.

6. In view of the aforesaid, nothing needs to be adjudicated any further in this writ petition which is accordingly disposed off.

7. However before parting with the case, we may note that as per the instructions contained in the letter of District Magistrate dated 24.05.2023, petitioner has a criminal history of following cases:

a. Case Crime No. 71/2017, under Section 323, 504, 506 I.P.C., Police Station Cantt, Ayodhya where there is a Charge-sheet dated 11.04.2017.

b. Case Crime No. 348/2017 under Section 110G Cr.P.C.

c. Case Crime No. 100/2019 under Section 323, 504, 506, 427 I.P.C., Police Station Cantt, Ayodhya where there is a Charge-sheet dated 27.05.2019.

d. Case Crime No. 304/2020 under Section 504, 506, 427 I.P.C., Police Station Cantt, Ayodhya where there is a Charge-sheet dated 25.07.2021.

e. Case Crime No. 268/2011 under Section 147, 148, 352, 323, 504, 506 & 427 I.P.C., Police Station Cantt, Ayodhya where there is a Charge-sheet dated 28.07.2021.

8. Entertaining a Public Interest Litigation at the behest of such a person who has continued criminal history ultimately impures the stream of Public Interest Litigation jurisprudence evolved by Hon'ble Supreme Court and various High Courts, purpose of which primarily is to come to the rescue of those who are in some disadvantageous situation because of poverty or otherwise.

9. The Courts cannot shut their eyes on such misuse of proceedings of Public Interest Litigation petitions at the behest of any individual having such criminal history.

10. In the aforesaid view, we put a word of 'caution' to the petitioner not to misuse the Public Interest Litigation in future."

6. The petitioner, however, appears to have filed another petition bearing Public Interest Litigation (PIL) No. 1094 of 2023 which was disposed of on 24.11.2023 in the following terms:

"1. Heard learned counsel for the petitioner, Shri S.B. Pandey, Senior Advocate and Deputy Solicitor General of India assisted by Shri Dev Rishi Kumar Arora, learned counsel for the respondent Nos.1 to 3, learned Standing Counsel for State-respondent Nos.4 to 9 and Shri Arvind Kumar Yadav, holding brief of Shri Ashish Chaturvedi, learned counsel for respondent No.10- Ayodhya Development Authority.

2. This petition filed in public interest has raised a grievance with respect to the illegal encroachment upon the land notified for the use as rifle range vide notification dated 20.01.2021 issued under sub-section (2) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938.

3. An area of about 13391 acres situated in various villages mentioned in the scheduled was reserved for this purpose. Encroachment upon any part of the said land is primarily to be taken care of by the Ministry of Defence itself but in any case, if the cooperation of civil administration is sought to remove any such encroachment, it shall be obligatory on the State

machinery to extend necessary support to the army as has been prayed for vide letter dated 11.02.2023.

4. We make it clear that the State land as entrusted to the Ministry of Defence cannot be allowed to be encroached upon or dissipated otherwise in derogation of law.

5. With this direction, the instant P.I.L. is disposed of.

6. The Ayodhya Development Authority is also directed not to sanction plans without due verification of the title of land."

7. The aforesaid Public Interest Litigation (PIL) No. 1094 of 2023 was also in respect of the same subject matter which is involved in this Public Interest Litigation.

8. Learned counsel for the petitioner says that incorrect facts were placed before the Coordinate Bench in the aforesaid Public Interest Litigation (PIL) No. 483 of 2023 as in most of the cases petitioner has been acquitted or final report has been submitted.

9. Be that as it may, we are of the opinion that the petitioner ought to have disclosed the order dated 25.05.2023 passed in Public Interest Litigation (PIL) No. 483 of 2023, however, without making any further comments, we are of the opinion that instead of proceeding in the matter at the behest of the petitioner, it would be better if we direct registration of a Suo Moto Public Interest Litigation in respect of the subject matter involved in this petition.

10. We, therefore, dispose of this petition with a direction to the Registry to register a Suo Moto Public Interest Litigation in the matter styled as In Re: Protection of Defence Land at Ayodhya and after registering it the said Public Interest Litigation be placed before the appropriate Bench day after tomorrow i.e., 24.04.2024 in the list of Fresh Cases, along with a copy of this order. Copy of this petition shall also be kept on record of the said Public Interest Litigation.

11. It is also provided that in future if the petitioner files a Public Interest Litigation he shall disclose the order dated 25.05.2023 passed in Public Interest Litigation (PIL) No. 483 of 2023. We, however, make it clear that we have not made any observation adverse to the petitioner and this order shall not be read or understood as making any such observation against the petitioner."

5. Of course this order has been disclosed by the petitioner but looking into the nature of reliefs sought we are of the opinion that the person who has lodged the FIR, who is the Regional Enforcement Officer, Mining Ayodhya, can very well pursue the matter and moreover it is informed

that as of now no chargesheet has been filed in the said F.I.R. lodged by respondent no. 5 against the respondent no. 9.

6. Nevertheless, if any illegal mining is taking place the Collector and the Mining Officer can look into the matter and do the needful as per law. As regards cancellation of mining lease granted to the respondent no. 9 that lies in the domain of the officer who has issued lease/permit, as the case may be, to the respondent no. 9, as per law.

7. Our order may be communicated to the concerned officer.

8. Apart from the above we see no reason to proceed further in the matter at the behest of the petitioner advocate. Accordingly, the petition is **disposed of.**

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

January 6, 2026

J. K. Dinkar