



2026:AHC-LKO:3043-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 16 of 2026

Rajdev

.....Petitioner(s)

Versus

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

.....Respondent(s)

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

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Shri Ajay Pratap Singh, learned counsel for the petitioner, Ms. Isha Mittal, learned Additional C.S.C. for the State-respondent(s) as well as Shri Mohan Singh, learned counsel representing the Gaon Sabha and Shri Anil Kumar Mishra, learned counsel, who has filed his 'vakalatnama' on behalf of the opposite party no.9, which is taken on record.

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

"(i) To issue a writ, order or direction in the nature of Mandamus commanding the Opposite Parties specially Opposite Party No. 4 to 6 to take appropriate action for the protection of Gata No. 541 ka/ 1.1320 Hectare situated in Village Kunda Bhairapur, Paragna Aldemau, Tehsil Kadipur, District Sultanpur, which has been recorded in the Name of 'Bheeta' (Land situated surrounding a pond), which has been illegally encroached by the private respondents no. 8 and 9 by way of making the construction, in the interest of justice."

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.

January 14, 2026
Praveen

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