



2026:AHC-LKO:7881

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 56 of 2026

Adesh Kumar Alias Adesh Kumar Joshi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Dharmendra Kumar Misra, Shashin Srivastava
Counsel for Respondent(s)	: C.S.C., Mohan Singh

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Dharmendara Kumar Misra, the learned counsel for the petitioner, Sri Anil Kumar Kushwaha, the learned Standing Counsel for the State of U.P. and Sri Dilip Kumar Pandey, the learned Standing Counsel for the Gaon Sabha.
2. By means of the instant petition filed in public interest litigation, the petitioner has sought issuance of a direction to the opposite parties for enforcement of orders dated 08.03.2018, 25.03.2019 and 07.03.2024 passed by the competent authority regarding removal of encroachment made on Gata No. 271 measuring 0.97 hectare which is recorded as talab and Lekhpal Bhawan in the revenue records and realisation of damages from opposite party no. 7.
3. The petitioner has also sought issuance of a writ of mandamus commanding the opposite parties no. 1 to 3 to conduct a full fledged enquiry against guilty persons who have not taken any steps regarding removal of encroachment.
4. The learned counsel for the opposite parties have raised a preliminary objection that this is the fourth writ petition filed by the petitioner on this subject. They have further submitted that the opposite party no. 7 has filed Writ C No. 5464/2024, which is pending consideration of this Court. The learned counsel for the opposite parties have further submitted that this

petition has been filed without first approaching the authorities concerned for redressal of grievance raised in this petition.

5. It is settled law that a person can file a writ seeking issuance of a writ of mandamus only when he first approaches the authorities concerned for redressal of his grievance and the grievance is not redressed by the authorities.

6. The learned counsel for the petitioner has submitted that he has given several representations, copies whereof contained in Annexures No. 7 & 8. The representation Annexure No. 7 is dated 06.09.2019 and the representation Annexure No. 8 is dated 28.03.2023. After that, the petitioner had filed PIL No. 383/2024 which was dismissed by means of an order dated 02.05.2024. Since the petitioner has not submitted any representation after that, therefore, it cannot be said that the representation filed in the year 2019 and 2023 make out a ground for filing a writ petition in the year 2026.

7. In these circumstances, this writ petition is not maintainable for want of a representation made to the opposite parties for redressal of grievance of the petitioner.

8. Accordingly, the writ petition is ***dismissed***.

9. However, it will be open for the petitioner to approach the appropriate authority for redressal of his grievances by filing an appropriate application, which shall be considered and dealt with in accordance with law by the authority concerned without being influenced by the dismissal of this writ petition.

(Subhash Vidyarthi,J.)

February 3, 2026

Pradeep/-