



2026:AHC-LKO:9558

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 101 of 2026

Purnendra Singh And 6 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt. Sectt.
Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anurag Singh, Shiv Pal Singh
Counsel for Respondent(s) : C.S.C., Dilip Kumar Pandey

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Shiv Pal Singh, the learned counsel for the petitioner and Shri Ashish Saxena, the learned Standing Counsel for the State.

2. By means of the instant petition filed in public interest, the petitioner has sought issuance of a direction to the District Magistrate, Raebareli and S.D.M. Maharajganj, Raebareli to restrain the opposite party Nos.6 from raising construction over the main road of village-Kotwa, Police Station-Shivgarh, Raebareli and to take appropriate action against private opposite party for having made encroachment over the public land.

3. On the basis of written instructions provided by S.D.M., Maharajganj, Raebareli, the learned Standing Counsel has informed that the opposite party No.6-Siya Ram has constructed a house besides the road leading to the village. He has constructed a parapet at the height of about 11 feet, which is about 1.5 feet wide on one side and on the other side, he has constructed a parapet of 2.5 feet width. The construction of parapets is not obstructing movement of vehicles. A copy of a spot inspection report, a site plan and photographs of the construction have been annexed with the instructions. A copy of the instructions is taken on record.

4. From the aforesaid instructions it is clear that the parapets have been constructed covering a public passage. Although no encroachment exists on the land but the construction of parapets covering the roads will also amount to encroachment on public land. Although it is not obstructing the passage of four-wheeler vehicles, in case of any exigency, in case any fire truck or excavating machine is required to move on the road, the parapet may create

obstacle in their movement. Therefore, the parapets covering the roads amount to encroachment on the roads and the same need to be removed.

5. Accordingly, the writ petition is **disposed off** by issuing a direction to the S.D.M., District- Raebareli to ensure removal of the encroachment made by constructing parapets on the road side covering a width of 1.5 feet on one side and 2.5 feet on the other side, expeditiously in accordance with law.

February 6, 2026

-Amit K-

(Subhash Vidyarthi,J.)