



2026:AHC-LKO:12667

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 83 of 2026

Ayush Dwivedi

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	: Ankit Singh, Gaurav Kumar Hasani, Sanjay Kumar, Saurabh Kumar
Counsel for Respondent(s)	: C.S.C., Shailendra Singh Chauhan

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Ankit Singh, learned counsel for the petitioner, Shri Pankaj Srivastava, the learned Additional Chief Standing Counsel for the State of U.P. representing the respondents no. 1 to 5 and Shri Shailendra Singh Chauhan, the learned counsel for the respondent no.6.

2. By means of the instant writ petition filed in Public Interest, the petitioner has sought issuance of direction to the opposite parties to remove illegal encroachment made on land bearing Gata No. 1606/2, measuring 0.0510 hectare and Gata No. 1612/2, measuring 0.3540 hectare, situated at Village Kanausi, Tehsil Sadar, Lucknow, District Lucknow, which is recorded as 'Usar' land and restore it to its original public use.

3. It has been pleaded in the writ petition that the aforesaid land is recorded in the revenue record as 'usar' land but some persons are using it as graveyard and cremation ground. Some Pakki graves have been constructed on the public utility land recorded as 'usar'.

4. It appears from the record that the petitioner has made a complaint to the Municipal Commissioner I.G.R.S. portal, upon which the Lekhpal concerned has submitted a report that the land is recorded in revenue records as 'usar'. For the past several years, it has convincingly been used as cremation and burial ground, therefore, no immediate action can be

taken in this regard. The matter will be brought to the knowledge of higher officials and appropriate action will be taken. In furtherance of yet another I.G.R.S. complaint, the Lekhpal has submitted a report stating that the land is recorded as 'Usar', it is being used burial ground/cremation ground, the land is situated in dense residential locality, therefore there is an apprehension of spread of disease.

5. The learned counsel for the opposite parties have advanced submissions on the basis of a instructions provided to them and they have stated that except for some graves, no construction exists on the land in question. The learned counsel for the opposite parties have admitted that the land is recorded as 'Usar' and not as cremation ground or graveyard.

6. Learned counsel for the petitioner has submitted that a cremation ground is situated at Alambagh, which is about merely 02 Kilometers from the land in dispute, which is recorded as 'usar'.

7. When the nature of land is recorded in the revenue records indicating it user for a particular purpose, should be used for that purpose. Land use can only be changed by following the due process of law, with the sanction of the State Government and not otherwise. When the land in question is recorded as 'usar', its use as graveyard for cremation ground cannot be permitted. The report submitted by the Lekhpal admits that the land is recorded as 'usar' and it is situated amongst densely populated residential locality.

8. It is relevant to note that burial/ cremation facilities are available within a reasonable distance from the land in question and it does not appear indispensable to continue such activity on the land in question in absence of alternate facility.

9. In these circumstances, use of 'usar' land situated in densely populated locality as cremation ground/ graveyard,. cannot be permitted, unless a decision in this regard is taken by the Competent Authority, in accordance with law.

10. Accordingly, the petition is ***disposed of*** by issuing a direction to the opposite parties to take an appropriate decision in this regard within a

period of six weeks from today. In case the land continues to be recorded as such, the opposite parties shall take an appropriate action for stopping burial/ cremation on 'usar' land in question situated in densely populated residential locality. In case the authorities decides to change the use of land, so as to permit cremation and burial on the said land, suitable action shall be taken for conversion of the land and thereafter providing adequate facilities, including a boundary wall, so that the cremation/ burial area is separated from the residential locality.

(Subhash Vidyarthi,J.)

February 17, 2026

Muk