



2026:AHC-LKO:16993-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 67 of 2026

Asgar And Another

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 7 Others

.....Respondent(s)

Counsel for Appellant(s)	: Sajjad Husain, Badar Iftikhar, Kulsoom Firoz, Nooruddin Khan`
Counsel for Respondent(s)	: C.S.C., Atul Kumar Singh, Dilip Kumar Pandey

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard.

2. This Special Appeal has been filed by the appellants under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the Judgment and order dated 27.01.2026 passed by the learned Single Judge in Public Interest Litigation (PIL) No. 1290 of 2025 (Roshan vs. State of U.P. and others).

3. In the order dated 05.02.2026, word 'khalihan' has incorrectly been mentioned in the second line of paragraph no.3, as informed by the counsel for parties. In fact, the demolition is to take place on structures existing on 'pond land' in pursuance to orders passed under Section 67 of U.P. Revenue Code, 2006.

4. We asked the learned counsel for the appellants to point out as to the Gata number on which the structures of which they claimed to be owners, are existing, but he could not point out any such Gata.

5. Counsel for the opposite parties submit that demolition is to take place in pursuance to orders passed under Section 67 of the U.P. Revenue Code, 2006 on 29.03.2019, 09.04.2019 and 23.04.2019.

6. At this stage, the appellant's counsel invited our attention to Ground L which mentions about the properties in question existing on Gata No. 378 and 379. On being asked to demonstrate the nature of the said land with reference to revenue khatauniss, none could be

shown.

7. We have already noticed in our earlier order dated 05.02.2026 that, the property in the suit in question, prima facie, does not appear to be identifiable nor has any effort been made by the counsel for the appellants to show that it is otherwise. The Collector or the Gaon Sabha were also not party in the said Suit bearing no. 261 of 2002.

8. Moreover, the appellant's counsel admitted that appellant no.2 was party to the proceedings under Section 67 of U.P. Revenue Code, 2006 referred herein-above, but has never challenged the order passed therein as mentioned herein-above and in respect to which the learned Single Judge has passed the order impugned.

9. Counsel for opposite party no.3 says that the order under Section 67 of U.P. Revenue Code, 2006 was also against the appellant no.1. According to him, appellant no.1- Asgar and Pahadi are the same person. We do not wish to go into these questions. If the appellant no.1 was not a party in the proceedings under Section 67 of U.P. Revenue Code, 2006 and has any right to a structure which may be existing on the land in question, he can agitate his rights before the appropriate forum or Court, as we cannot go into disputed questions of fact, specially those involving title, possession, etc., specially as, the appellant no.1 has not even the challenged the order passed under Section 67 of U.P. Revenue Code, 2006.

10. As regards, appellant no.2, as admittedly he was party in the proceedings under Section 67 of U.P. Revenue Code, 2006, but has not challenged the said orders, we see no reason to interfere at his behest.

11. The appeal is **dismissed** accordingly.

March 9, 2026
Praveen

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