



2026:AHC-LKO:15844

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 132 of 2026

Surya Nath Tiwari

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s) : Pramod Kumar Tiwari, Smt. Usha Tiwari
Counsel for Respondent(s) : C.S.C., Mohan Singh

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Smt Usha Tiwari, learned counsel for the petitioner, Sri Vikas Rai, learned Standing Counsel for the State of U.P. and Sri Mohan Singh, learned counsel for opposite party no.4-Gaon Sabha.

2. By means of the instant writ petition filed in public interest, the petitioner has sought issuance of a direction for removal of encroachment made on a public pathway situated in village Milkipur, Majra Pure Gaura, Tehsil Milkipur, District Ayodhya.

3. On the basis of written instructions provided by the Sub-Divisional Magistrate and Tehsildar, Milkipur, Ayodhya, learned Standing Counsel has informed the Court that a spot inspection was conducted by the Lekhpal, who submitted a report stating that the passage in question falls within old abadi and is categorized as Class 6(2). The passage is minimum 7 feet wide and is being used by the public at large without any obstruction. Towards the South of the passage, Ramroop Pal has constructed certain stairs to enter his house, and towards the North, a *kachhi dalan* of Ramroop Pal is existing. The copy of the instructions is taken on record.

4. From the aforesaid report, the allegation of the petitioner regarding obstruction on the land does not appear to be established. This Court cannot enter into a detailed scrutiny of factual allegations and counter-allegations so as to ascertain the nature of possession of a private individual over his *dalan*.

5. In case the petitioner is aggrieved by any construction raised or possession taken by any private individual, which according to the petitioner obstructs a public passage, he may take recourse to the remedy provided under Section 26 of U.P. Revenue Code, by approaching the Tehsildar.

6. Accordingly, the petition is disposed of leaving the aforesaid liberty open for the petitioner.

February 26, 2026
Renu/-

(Subhash Vidyarthi,J.)