



2026:AHC:11942

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 103 of 2026

Udaybhan Chauhan

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Amrita Singh

Counsel for Respondent(s) : C.S.C., Rameshwar Prasad Shukla

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Rameshwar Prasad Shukla, learned counsel for the respondent- Gaon Sabha.

2. The instant public interest litigation has been filed for the following relief:

"issue a writ, order or direction in the nature of mandamus commanding the respondent no.1st set to remove the illegal encroachment raised by the respondent no.2nd set over the land bearing Arazi No.882, area 0.0590 hectares duly recorded as Chak Marg, situated in Village- Sodasar, Parganak Ghosi, Tahsil- Sadar, District- Mau, which is earmarked and used for public utility purposes, within stipulated period or as a time fixed by this Hon'ble Court."

3. Learned counsel for the petitioner submitted that in spite of the order passed by Tahsildar on 28.1.2025 under Section 67 of U.P. Revenue Code, 2006 for eviction and damages, the order has not been given effect on spot in proper manner. He further submitted that the recall application has been filed by respondent no.5 which is pending but no interim order is operating, as such, authorities be directed to take steps for removal of illegal encroachment over the plot in question in pursuance of the order passed by the Tahsildar, under Section 67 of U.P. Revenue Code, 2006 against respondent no.5.

4. I have considered the argument advanced by learned counsel for the

petitioner and perused the records.

5. There is no dispute about the fact that the order for eviction and damages was passed under Section 67 of U.P. Revenue Code, 2006 against respondent no.5.

6. Under Para 460 of U.P. Revenue Court Manual, the provision has been prescribed for execution of the order passed under Section 67 of U.P. Revenue Code, 2006, as such, the instant public interest litigation cannot be entertained for execution of the order passed under Section 67 of U.P. Revenue Code, 2006.

7. In the instant matter recall application dated 15.2.2025 filed by respondent no.5 is pending against the order for ejectment and damages dated 28.1.2025 passed by Tahsildar.

8. Considering the entire facts and circumstances of the case, the instant petition is finally disposed of directing respondent no.3 / Tahsildar, Tahsil- Sadar, District- Mau to decide the restoration application dated 15.2.2025 filed by respondent no.5 against the order dated 28.1.2025 in accordance with law after affording proper opportunity of hearing to the parties, expeditiously.

(Chandra Kumar Rai,J.)

January 19, 2026

Rameez