



2026:AHC:15062

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 140 of 2026

Ashok Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohammad Jamil Akhtar
Counsel for Respondent(s)	:	C.S.C., Sudhir Bharti

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Vakalatnama filed on behalf of respondent no.4 is taken on record.
2. Heard learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents, Mr. A.P. Tiwari, learned counsel for respondent No.4 and Mr. Sudhir Bharti, learned counsel for the gaon sabha.
3. The instant public interest litigation has been filed for the following relief:-

"(i) Issue a writ order or direction in the nature of mandamus directing the respondent authorities to remove the encroachment from the Gaon Sabha land i.e. Gata No.86 area 0.0930 hectare as Pond situated in the revenue Village Chiurapali District Kushinagar, and to take appropriate action against the encroacher, expeditiously preferably within a stipulated period.

(ii) Issue a writ order or direction in the nature of mandamus directing the respondent authorities and remove illegal encroachment by the private respondent as per section 67 of the U.P. Revenue Code 2006 expeditiously preferably within a stipulated period."
4. Learned counsel for the petitioner submitted that plot in question is recorded as pokhari in the revenue record, as such illegal encroachment over the plot in question should be removed forthwith.

5.Mr. A.P. Tiwari, learned counsel for respondent No.4 submitted that Writ C No.62977 of 2017 filed by respondent No.4 is pending before this Court against the order passed in the proceeding under Section 67 of U.P. Revenue Code, 2006 in respect to the plot in question and interim order is operating, as such the instant public interest litigation filed on behalf of petitioner should be dismissed with cost.

6. Mr. Mridul Kumar, learned Standing Counsel for the State-respondents placed the instruction dated 12.01.2026 sent by Sub Divisional officer, which is taken on record.

7. Mr. Mridul Kumar learned Standing Counsel for the State-respondent on the basis of the instruction submitted that order for ejectment and damages was passed against respondent No.4 in the proceeding and writ petition filed by respondent No.4 is pending in which an interim order is operating .

8. Considering the fact that Writ-C No.62977 of 2017 filed by respondent No.4 is pending before this court and in which an interim order is operating, the instant public interest litigation filed by the petitioner for removal of encroachment from the plot in question cannot not entertained.

9. The instant public interest litigation is dismissed accordingly.

(Chandra Kumar Rai,J.)

January 21, 2026

PS*