



2026:AHC:14669

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 142 of 2026

Ram Surat

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ravindra Prakash Srivastava
Counsel for Respondent(s)	:	C.S.C., Pankaj Kumar Gupta

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta learned counsel for Gram Sabha.

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

"(i) issue an order or direction in the nature of Mandamus directing the respondents to vacant the land Gata No. 59 area 0.0015 hectare situated in Village- Rampur, Tappa-Kothila, Pargana-Basti Purab, Tehsil-Bhanpur, District-Basti.

(ii) issue an order or direction in the nature of Mandamus directing the respondents authorities to decide the application/representations of petitioner dated 20.6.2025 (Annexure No. 3 to the writ petition) pending before him, expeditiously, within stipulated period."

3. Learned counsel for the petitioner submitted that plot No.59 is recorded as pathway in the revenue record. He further submitted that in spite of the order dated 07.3.2024 for ejectment and damages passed by Tehsildar in the proceeding under Section 67 of U.P. Revenue Code, 2006, against the private respondent No.5, order has not been given effect on spot. He submitted that in pursuance of the order for ejectment and damages passed by Tehsildar, encroachment should be removed from the plot in question forthwith.

4. I have considered the arguments advanced by the learned counsel for the petitioner and perused the record.

5. There is no dispute about the fact that order for ejectment and damages dated 7.3.2024 under Section 67 of U.P. Revenue Code, 2006 has been passed by Tehsildar in respect to the plot in question.

6. Under para-460 of U.P. Revenue Court Manual, procedure has been prescribed for implementation/ execution of the final order passed in the proceeding under Section 67 of U.P. Revenue Code, 2006, as such instant public interest litigation cannot be entertained for implementation/ execution of the orders passed under Section-67 of U.P. Revenue Code, 2006.

7. Considering the entire facts and circumstances of the Case, **the instant public interest litigation is dismissed** with observation that proper proceeding for implementation/ execution of the order as prescribed under para 460 of the U.P. Revenue Court Manual can be initiated in accordance with law.

January 21, 2026

PS*

(Chandra Kumar Rai,J.)