



2026:AHC:14733

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 148 of 2026

Jay Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Jeet Mishra
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Ram Jeet Mishra, learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gaon Sabha.

2. The instant petition has been filed for the following reliefs:

"A. Issue a writ order or direction in the nature of mandamus commanding and directing the Respondent No. 3 execute the order dated 18.11.2023 passed by him the respondent no.3 in Case No. 15168 of 2022, Computerized Case No. T202214360415168, Report Lekhpal Vs. Heerawati, under Section 67 of U.P. Revenue Code 2006 about the removal of illegal construction made by respondent no.4 over the Plot No. 73 area 0.0120 hectare which is recorded as Garha (pond) in revenue record of the village concerned i.e. public utility land given in Section 77 of U.P. Revenue Code-2006.

B. Issue a writ order or direction in the nature of mandamus commanding and directing the respondent no.2 to decide the representation dated 09.01.2026 made by the petitioner pending before him within fix period.

C. Issue a writ order or direction in the nature of mandamus commanding and directing the respondent no.3 to initiate the proceeding for removal of the unauthorized encroachment made by the respondent no. 4 over the Plot in question within fix period."

3. Learned counsel for the petitioner submitted that in spite of the order passed by Tahsildar 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 appropriate direction be issued 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. He place the order of this Court passed in public interest litigation no.1215 of 2024 dated 24.7.2024 in support of his argument.

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.4 in respect to the plot no.73 area 0.012 hectare, which is recorded as Garha in the revenue records.

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. Para 460 of U.P. Revenue Court Manual is as under:

"460. Execution of decree and order.

(1) The decree or order passed under the Code or the rules framed under the Code shall, mutatis mutandis, be executed in accordance with the provisions of Chapter V.

(2) The Assistant Collector/Tahsildar passing the order for eviction or recovery of any amount of damages or compensation under the provisions of Section 67 of the Code shall get the order executed and in execution of

the order he shall, mutatis mutandis, follow the procedure laid down in Paragraphs 137 and 138."

8. Considering the entire facts and circumstance of the case no interference is required in this matter.

9. The instant public interest litigation is ***dismissed*** with observation that the appropriate proceeding can be initiated in accordance with law as prescribed under Para 460 of U.P. Revenue Court Manual.

(Chandra Kumar Rai,J.)

January 21, 2026

Rameez