



2026:AHC:10582

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43613 of 2025

Harihar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Maurya
Counsel for Respondent(s)	:	C.S.C., Ram Janam Shahi, Rameshwar Prasad Shukla

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred the present writ petition inter-alia with the following prayers:-

"i) issue, a writ, order or direction in the nature of certiorari quashing the impugned orders dated 28.01.2017 passed by respondent no.3 and the order dated 20.08.2025 passed by respondent no. 2 Annexure No. 5 and 6 to the writ petition respectively and the matter may be remitted back to the respondent no. 3 to allow the restoration application dated 13.07.2017 and to decide the proceeding of the Case No. D2014150600978 Harihar Versus Harendra under section 122-C(6) of U.P.Z.A. & L.R. Act in respect of village Molanapur, Tehsil Sadar, District Azamgarh (Annexure No.1 to the writ petition) within the period so stipulated by this Hon'ble Court on its own merits.

ii) issue, a writ, order or direction in the nature of mandamus commanding the respondents authority not dispossess the petitioner in pursuance of Gata No. 270 area .015 hectare situated as village Molanapur, Pargana, Chiraiya Kot, Tehsil Sadar, District Azamgarh."

2. A preliminary objection has been raised by the learned Standing Counsel that petitioner has no locus to file the present writ petition.

3. From perusal of record, it is clear that the present writ petition has been filed by the petitioner only in order to harass the respondent no.5 namely Mr. Harendra S/O Potim. Nothing has been stated in the entire writ petition that how the petitioner is aggrieved against the order passed in favour of the aforesaid respondents.

4. The existence of a right in favour of an aggrieved party furnishes the locus standi to maintain a writ petition as held in **Vinoy Kumar Vs. State of U.P. and others**² thus:

"2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded

nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas -corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantages position, unable to approach the court for relief."

5. Similarly in **Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others³**, the Supreme Court emphasized that existence of enforceable rights of aggrieved parties form the pre-condition to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India vested in this Court:

"9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [Vide State of Orissa v. Madan Gopal Rungta [AIR 1952 SC 12] , Saghir Ahmad v. State of U.P. [AIR 1954 SC 728] , Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. [AIR 1962 SC 1044] , Rajendra Singh v. State of M.P. [(1996) 5 SCC 460 : AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [(2009) 2 SCC 784].]

10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person

aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised. (Vide Shanti Kumar R. Canji v. Home Insurance Co. of New York [(1974) 2 SCC 387 : AIR 1974 SC 1719] and State of Rajasthan v. Union of India [(1977) 3 SCC 592 : AIR 1977 SC 1361] .)

11. In Anand Sharadchandra Oka v. University of Mumbai [(2008) 5 SCC 217 : AIR 2008 SC 1289] , a similar view was taken by this Court, observing that, if a person claiming relief is not eligible as per requirement, then he cannot be said to be a person aggrieved regarding the election or the selection of other persons."

6. In view of aforesaid, the Court is of the prima facie opinion that the petitioner is only a stranger or a busybody. Nothing has been stated in the entire writ petition that how the petitioner is an aggrieved party.

7. In this view of the matter, the Court is of the opinion that petitioner does not have any locus standi to maintain the present writ petition, hence the same is liable to be dismissed.

8. At this point of time, a prayer has been made by the counsel for the petitioner to dismiss the present writ petition as not pressed.

9. In this view of the matter, the present writ petition is dismissed as not pressed.

10. It is made clear that no liberty whatsoever has been granted to the petitioner to file a fresh petition for the same cause of action.

(Prakash Padia,J.)

January 16, 2026
Swati