



2026:AHC:30882

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 980 of 2026

Jugal Kishore And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Pradeep Kumar Tiwari, Rakesh Kuamr Yadav
Counsel for Respondent(s)	: Arun Kumar Pandey, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

Ref:- Civil Misc. Exemption Application dated 10.02.2026

1. The present application along with personal affidavit has been filed on behalf of respondent No.5/Tehsildar, Tehsil Chandausi, District Sambhal today in the Court, the same is taken on record.
2. In view of the averments made in the application, personal appearance of respondent No.5/Tehsildar, Tehsil Chandausi, District Sambhal is exempted for today as well as future dates until it requires.

Ref:- Writ Petition

1. In view of the arguments as has been raised by learned counsel for the petitioner that since consolidation proceedings are going on in the village in question, proceedings under Section 67 of U.P.Land Revenue Code, 2006 could not be initiated. In paragraph 8 of the affidavit, it is stated that the land in question is recorded as public pathway in the revenue records and it falls within the Category-6(2), hence as per Section 3(2) of the U.P. Consolidation of Holdings Act, 1953, such land stands excluded from consolidation proceedings. It is further stated that Consolidation Officer, Chandausi in his report dated 13.12.2025 informed by the answering respondent that by virtue of the Uttar Pradesh Land Laws (Amendment) Act No. 20 of 1982, a proviso was added to Section 49 of the U.P. Consolidation of Holdings Act, 1953, which provides that nothing in this section shall preclude the Assistant Collector from initiating proceedings

under Section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 in respect of any land, possession over which has been delivered or deemed to be delivered to a Gaon Sabha under or in accordance with the 102er the land in question, then proceedings may be initiated by the Revenue provisions of this Act and if there is any encroachment made by any person over the land in question, then proceedings may be initiated by the Revenue Department at Tehsil Level under Section 67 of U.P Land Revenue Code, 2006. Learned Standing Counsel also placed reliance upon relevant portion of the judgement and order dated 06.10.2025 passed by a co-ordinate Bench of this Court in the case of ***Munni Lal @ Hari Sharan Vs. State of U.P. and others (Public Interest Litigation (PIL) No.2933 of 2025) decided on 06.10.2025.*** Paragraph Nos.39 to 42 of the aforesaid judgement reads as follows:-

39. This Court is also directing that if any land belonging to the State Government or any Local bodies/authorities, is illegally occupied or encroached by any person, the Inspector of the concerned department/authority or any other official is duty bound to inform the concerned authority of the department about the encroachment, to initiate proceedings for removal of the encroachment and also restore the property in original form. In case, the concerned inspector/official does not inform about any kind of encroachment on the said land and information comes otherwise, departmental proceedings for misconduct and criminal proceeding of criminal breach of trust treating also as abettor as well as conspirator, shall be initiated against him as well as other erring official as he/they are the custodian of the properties entrusted to them as government authorities.

40. This Court further directs that if any land, recorded in the revenue record of a tahsil or record of a local body, in the name of authority or for public use; if the land is encroached by any person, the encroachment shall be removed by the tahsildar or any other authority of the local bodies within the time frame as prescribed under the law. Furthermore, if any land of any authority is encroached by any person and its information comes in the knowledge of the higher authority otherwise, rather than by the concerned Inspector or other official under obligation to inform and if the higher authority is not taking action against the Inspector or other

official, the role of higher authority may be assumed as abettor or conspirator in respect of the encroached property as the officers of the authority are custodian of the property.

41. Mr. Sharad Chandra Upadhyay, learned Standing Counsel representing the State of Uttar Pradesh is directed to communicate this order to the Additional Chief Secretaries/Principal Secretaries, of the concerned departments of Government of Uttar Pradesh, the Commissioners, the District Magistrates, the Chairmen/Secretaries/In-charge officers of the concerned departments of the State of Uttar Pradesh to communicate this order to the Sub Divisional Magistrates/the Assistant Collectors/Tahsildars/Tahsildars (Judicial) of the concerned Tehsils and Inspectors/officers of the concerned department for compliance in respect of removal of encroachment and restoration of public utility land to its original form in the State of Uttar Pradesh.

42. The Commissioners, the District Magistrates, the Chairmen/Secretaries/In-charge officers of the concerned departments of the State of Uttar Pradesh are further directed to intimate the Chief Secretary, Government of Uttar Pradesh, Additional Chief Secretaries/Principal Secretaries of the concerned departments of Government of Uttar Pradesh about the action taken by them regarding the removal of encroachment as well as action taken against the erring officials every year.

2. From perusal of the aforesaid, it is clear that proceedings was rightly initiated by revenue authorities under Section 67 of the U.P. Revenue Code, 2006.

3. In this view of the matter, the Court is of the opinion that no interference is called for by this Court in the matter, the writ petition lacks merits and the same is hereby dismissed.

(Prakash Padia,J.)

February 11, 2026

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