



2026:AHC:19532

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 3907 of 2025

Akant Bahadur

.....Petitioner(s)

Versus

State Of U.P And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Kumar Dwivedi
Counsel for Respondent(s)	:	Azad Rai, C.S.C., Ramesh Kumar Pandey

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. In compliance of the order of this Court, affidavit filed on behalf of the respondent No.6 as well as reply to the affidavit filed on behalf of petitioner, are taken on record.

2. Heard learned counsel for the petitioner, Mr. Ramesh Kumar Pandey, learned counsel for respondent No.6 and Mr. Azad Rai, learned counsel for gaon sabha.

3. The instant P.I.L. has been filed for the following relief:

"(a). Issue writ, a order or direction in the nature of mandamus directing the respondents authorities to take necessary action against private respondent no.6 regarding illegal encroachment Arazi over area No.480 Gha situated in Village-0.0390 hectare recorded as (Banjar) in revenue record Maksoodana, Police Station-Utravan, Tehsil-Handia, District Prayagraj within specific period as may be directed by this Hon'ble Court.

(b) Issue a writ, order or direction in the Missinature of mandamus directing the respondents authorities to restore the original status and remove the illegal encroachment of respondent no.6 over Arazi No.480Gha 0.0390 hectare recorded as (Banjar) in revenue record situated in Village-Maksoodana, Police Station-Utravan, Tehsil-Handia, District Prayagraj. "

4. On 5.1.2026 following order was passed by this court:-

"1. An affidavit filed on behalf of respondent no.6 is taken on record.

2. Heard learned counsel for the petitioner, Sri Mridul Kumar, learned standing counsel for the state-respondents, Sri Ramesh Kumar Pandey, learned counsel for respondent no.6 and Sri Azad Rai, learned counsel for respondent-gaon sabha.

3. Learned counsel for respondent no.6 submitted that Civil Suit No.1676 of 2003 filed by the predecessor of the petitioner has been dismissed by the civil court. He further submitted that respondent no.6 has been allotted part of the area of the plot

in question but without disclosing the material facts, the instant P.I.L. has been filed. He further placed the order passed by the civil court in order to demonstrate that petitioner has concealed the material facts, as such, the instant P.I.L. should be dismissed with costs.

4. Counsel for the petitioner shall address the court on the next date as to why the material facts regarding filing of suit as well as for execution of lease in favour of respondent no.6 has not been disclosed.

5. Put up this matter as fresh on 27.1.2026"

5. In compliance of the order of this Court affidavit has been filed on behalf of the petitioner.

6. Learned counsel for the petitioner submitted that in view of the entry of plot in question, prayer made in the instant public interest litigation should be allowed.

7. Learned counsel for respondent No.6 submitted that facts regarding the proceeding of suit No.1676 of 2003 and 585 of 2018 has not been disclosed by the petitioner in the instant public interest litigation. He further submitted that averment regarding the execution of lease in favour of the petitioner as well as private respondent in respect to the same plot has also not been disclosed by the petitioner. He further submitted that respondent No.6 is bhumidhar of plot No.481 and 483.

8. Learned counsel for the petitioner further submitted that proceeding of civil suit No.1676 of 2003 and 585 of 2018 were already decided as such averment regarding the proceeding of suit No.1676 of 2003 and 585 of 2018 has not been made in the instant public interest litigation.

9. Considering the fact that material fact regarding earlier proceeding of civil suit as well as execution of lease in respect to plot in question has been concealed by the petitioner in the instant public interest litigation, the instant public instant litigation cannot be entertained.

10. No interference is required in the matter.

11. The instant public interest litigation is dismissed accordingly.

January 27, 2026

PS*

(Chandra Kumar Rai,J.)