



2026:AHC:32690

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 4827 of 2026

Mahanth

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Abhishek Upadhyay, Shashi Kant Upadhyay
Counsel for Respondent(s)	: C.S.C., Gyanendra Kumar Gupta, Manoj Kumar Maurya, Sudhir Bharti

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. In the proceedings initiated under Section 67 of U.P. Revenue Code, 2006, order dated 04.12.2023 was passed for eviction and damages by respondent No.4/Assistant Collector/Tehsildar (Judicial) Tehsil Bhatparrani, District Deoria. Aggrieved with the aforesaid, statutory appeal under Section 67(5) of U.P. Revenue Code, 2006 had been filed which was also dismissed by the respondent No.2/Collector, Deoria. While dismissing the aforesaid appeal, direction was given to the respondent No.3/Sub Divisional Magistrate, Tehsil Bhatparrani, District Deoria as well as respondent No.4/Assistant Collector/Tehsildar (Judicial) Tehsil Bhatparrani, District Deoria to provide land to the petitioner taking into consideration that he is Kumhar. The relevant portion of the order dated 27.08.2025 reads as follows:-

अतः उपर्युक्त विवेचना के आधार पर प्रस्तुत अपील निरस्त की जाती है। चूंकि अपीलार्थी जाति का कुम्हार है और अपीलार्थी का कथन है कि ग्रामीण शिल्पकार है तथा मिट्टी का बर्तन बनाने का कार्य करता है, जिससे अपीलार्थी एवं उस पर निर्भर परिवार का भरण-पोषण होता है। ऐसी दशा में उप जिलाधिकारी/तहसीलदार को निर्देशित किया जाता है कि वे अपीलार्थी की पात्रता को ध्यान में रखते हुए उसके पक्ष में कुम्हारी कला का आवंटन सुनिश्चित करें। आदेश की प्रति उप जिलाधिकारी एवं तहसीलदार को प्रेषित की जाए।

2. It is argued that despite the aforesaid direction which is quoted above, the said direction has not been complied with and notice had been issued

to the petitioner to remove his encroachment upon the land in question within 15 days otherwise the same will be removed by force. hence the petitioner is compelled to file present petition.

3. From perusal of the record, it is clear that though the appeal filed by the petitioner was dismissed by the respondent No.2 vide order dated 27.08.2025 and while dismissing some certain observations were made which were quoted above and despite the same, notice in question has been issued by the respondent No.5 to the petitioner to vacate the land encroached by him.

4. After going through the same, the Court is of the opinion that notice dated 21.01.2026 issued to the petitioner by respondent No.5 is per se illegal and bad in the eyes of law.

5. In this view of the matter, Sri Sudhir Bharti, learned counsel for the respondent No.6 is directed to file personal affidavit of the person who is the author of the notice dated 21.01.2026 before this Court within three weeks.

6. List this matter on 23.03.2026.

7. Till then no conceive action be taken against the petitioner pursuant to the order dated 04.12.2023 was passed for eviction and damages by respondent No.4 & order dated 27.08.2025 passed by respondent No.5 as well as notice dated 21.01.2026 issued to the petitioner by respondent No.5 and parties are directed to maintain status quo.

(Prakash Padia,J.)

February 13, 2026

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