



2026:ABC:1213

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3913 of 2025

Subhash Pal

.....Petitioner(s)

Versus

The State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Shukla
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Ravindra Kumar Yadav, learned counsel appearing for the private party, who has not been impleaded in the instant public interest litigation, Mr. T.P. Gupta, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gram Sabha.

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

"a) Issue a writ of order or direction nature of mandamus be issued directing to the Respondent authorities to forthwith cause the removal of all dumped decomposed manure, cow-dung, refuse and waste lying on land bearing Gata No. 428, Village Dhampur, Tehsil Sadar, District Jaunpur.

b) Issue a writ a further direction be issued to ensure the site is cleaned, disinfected, and restored to its rightful public-utility use as Gram-Society land, under supervision of the Respondents, and that no further illegal dumping is permitted.

c) Issue a writ order or direction in the nature of mandamus directing the respondent authorities to decide the representation of the petitioner dated 09.10.2025."

3. Learned counsel for the petitioner submitted that the plot no.428 is recorded as Usar in the revenue records, as such, appropriate direction be issued to the parties for removal of dumped decomposed manure, cow dung etc. from the plot no.428.

4. Learned counsel appearing for the State and Gram Sabha submitted that

the instant public interest litigation cannot be entertained for the prayer made in the instant public interest litigation. They further submitted that there is no illegal encroachment over the plot in question, as such, the instant public interest litigation should be dismissed.

5. Mr. Ravindra Kumar Yadav, learned counsel appearing for the private party who has not been impleaded in the instant public interest litigation, placed the order dated 29.11.2023 passed by the Division Bench of this Court in Writ- C No.35270 of 2023 as well as injunction order operating in civil Suit No.910 of 1992 in order to demonstrate that the instant public interest litigation cannot be entertained. He further placed the criminal proceeding which is pending against the family member of the petitioner in order to demonstrate that the instant public interest litigation has not been filed in public interest.

6. I have considered the argument advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that the plot no.428 is recorded as Usar.

8. The records demonstrate that there is no illegal encroachment over the plot in question.

9. Considering the aforementioned facts and circumstances of the case, the prayer made in the instant public interest litigation for removal of dumped decomposed manure, cow dung etc. from the plot no.428 cannot be entertained by this Court by way of public interest litigation.

10. The instant public interest litigation is dismissed accordingly.

(Chandra Kumar Rai,J.)

January 6, 2026

Rameez