



2026:AHC:28353

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5093 of 2026

Photo Devi

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ram Jeet Mishra
Counsel for Respondent(s)	: Bhupendra Kumar Tripathi, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred the present petition with the following prayers:

(A) Issue a writ order or direction in the nature of mandamus directing the respondent no.2 to make measurement/ demarcation of Plot No. 238Kha area 0.093 hectare situated in Village Sarokhanpur, Pargana Rari, Tehsil Badlapur, District Jaunpur by revenue team and restore the possession of the petitioner with police force which was granted lease for agriculture purpose in favour of her mother.

(B) Issue a writ order or direction in the nature of mandamus directing the respondent no.2 to the representation/application of petitioner dated 09.01.2026 decide which is pending before him till today within fix period.

(C) Issue a writ order or direction in the nature of mandamus directing the avenue authority of tehsil concerned to remove the unauthorized occupant from Plot No. 238 Kha area 0.093 hectare situated in Village Sarokhanpur, Pargana Rari, Tehsil Badalapur, District Jaunpur with help of police force.

2. Learned counsel for the petitioner placed reliance upon a representation dated 20.09.2025 submitted by the petitioner before the authorities on Sampoorana Samadhan Diwas, copy of the same is appended as Annexure No.3 to the writ petition. It is stated in the aforesaid representation itself

that plot in question situated at Arazi No.238 Kha area 0.093 hectare was initially allotted in the name of Mohhamad Mohra @ Lamgora wife of Banarasi in the year 1976.

3. From perusal of the record, it is clear that the land in question was allotted in the name of her mother in the year 1976 and after lapse of 49 years, a representation has been made by the petitioner on 20.09.2025 to handover the possession of the aforesaid plot either to the mother of the petitioner or to the petitioner. When a query has been raised by this Court that why the petitioner has been silent for a long time, counsel for the petitioner could not give satisfactory reply.

4. *Vigilantibus non dormientibus jura subveniunt* is the well settled legal principle meaning thereby that the law assists the vigilant, not those who sleep over their rights. When a person remains silent or inactive regarding his/their rights for an unreasonable period (laches or acquiescence), the court may refuse to grant relief because such inaction can imply a waiver of those rights or cause prejudice to the other party.

5. In this view of the matter, no relief could be granted to the petitioner and the writ petition is hereby dismissed.

(Prakash Padia,J.)

February 9, 2026

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