



2026:AHC:16187

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3922 of 2025

Sonu

.....Petitioner(s)

Versus

State Of U.P And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amar Nath
Counsel for Respondent(s)	:	C.S.C., Kaushal Kishore Mani

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Ajay Kumar Baranwal, learned Standing Counsel for the State-respondents and Mr. Kaushal Kishore Mani, learned counsel for the respondent- Gaon Sabha.

2. The instant public interest litigation has been filed for the following reliefs:

"I. issue a writ, order or direction in the nature of mandamus directing the respondent Nos.2, 3 and 4 to remove the encroachment made by respondent Nos.6 to 8 over the Arazi No. 134/2 Area 0.6050 hectare which is recorded as Kummhari Ka Mitti Khodne Ka Asthan in the revenue record situated in Village- Talda (Jauli Jansath), Tehsil-Jansath, District- Muzattarnagar.

ii) issue a writ, order or direction in the nature of mandamus directing respondent No. 2 to take necessary action on the application of petitioner dated 19.11.2025 within stipulated period which is pending before the respondent No.2 (Annexure No.4 to this writ petition)."

3. Learned counsel for the petitioner submitted that the plot no.134/2 is recorded as *"Kumharo ka mitti nikalne ka sthan"* in the revenue records and private respondents are in illegal possession over the same, as such, authorities be directed to take steps for eviction of the unauthorized occupants from the plot in question.

4. Instruction sent by Sub-divisional Officer, Jansath, Muzaffarnagar is taken on record.

5. Learned Standing Counsel on the basis of instruction submitted that the order for ejectment and damages was passed by the Tahsildar against the private respondent in respect to the plot in question on 2.4.2024. He further submitted that the private respondent nos.6 to 8 (Smt. Munni & others) have filed appeal no.3382 of 2025 under Section 67 of U.P. Revenue Code, 2006, in which interim order is operating against the order of Tahsildar, as such, the instant public interest litigation cannot be entertained.

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 appeal under Section 67 (5) of U.P. Revenue Code, 2006 filed by private respondent is pending before the District Magistrate and interim order is operating against the order of Tahsildar.

8. Since appeal under Section 67 (5) of U.P. Revenue Code, 2006 filed by private respondents is pending and interim order is operating against the order of ejectment and damages, as such, the instant public interest litigation cannot be entertained.

9. The instant public interest litigation is ***dismissed accordingly.***

(Chandra Kumar Rai,J.)

January 22, 2026

Rameez