



2026:AHC:61133

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 445 of 2026

Shatendra Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Bashisth Narain Pandey
Counsel for Respondent(s)	: C.S.C., Pankaj Kumar Gupta, Ravindra Prakash Srivastava

Court No. - 55

HON'BLE ARUN KUMAR, J.

1. When the case was taken up as fresh case on 12th March, 2026, the following order was passed:-

"1. Heard learned counsel for the petitioner, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents.

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

"a) Issue a writ, order or direction in the nature of mandamus commanding and direct the respondent authorities to remove the illegal encroachment from the private respondent and restore the Khasra No. 52 area 0.0480 hectare, Khasra No.56 area 0.0410 hectare, Khasra No.58 area 0.0720 hectare, Khasra No.51 area 0.1780 hectare and Khasra No. 54 area 0.0610 hectare situated at revenue village Badhya, Tappa Atroh, Pargana Basti West, District-Basti, in its original shape which is recorded as Garha and Banjar in the revenue record."

3. Learned counsel for the petitioner submitted that petitioner has filed P.I.L. No.2000 of 2024, which was disposed of vide order dated 3.10.2024 directing the revenue authorities to decide the pending five cases under Section 67 of U.P. Revenue Code, 2006 in accordance with the provisions contained under Rule 67 (6) of U.P. Revenue Rules, 2016. In pursuance of the order of this court, order for ejectment and damages was passed against the respondent No.6 and others accordingly, appeal

under Section 67 (5) of U.P. Revenue Code, 2006 was filed by respondent no.5-Sarju Singh, which was allowed by District Magistrate vide order dated 8.9.2025 and matter was remanded back before Tehsildar to conduct the proper survey of the plot in question and decide the matter in accordance with law as well as it has also been directed that if it is found that applicant is in possession over the plot in question, entitlement for settlement as provided under Section 67 (A) of U.P. Revenue Code, 2006 shall also be considered in accordance with law.

4. Learned counsel for the respondents submitted that in spite of the appellate order passed by District Magistrate, the second public interest litigation has been filed although matter is pending before Tehsildar under Section 67 of U .P. Revenue Code, 2006. He further placed notice issued by Tehildar to the petitioner-Shatendra Kumar Singh son of Kapildev Singh for illegal encroachment over plot no.51. He submitted that public interest litigation at the instance of the petitioner cannot be entertained. He further placed the copy of the pliant of civil suit no.883 of 2023 filed by respondent no.6-Awadhesh Singh and respondent no.7-Ramesh Singh impleading the petitioner's father as defendant.

5. Put up this matter as fresh on 23.3.2026 at 10:15 A.M.

6. Learned counsel for the petitioner shall address the court as to how second public interest litigation is maintainable in view of the order passed in appeal under Section 67 (5) of U.P. Revenue Code, 2006 in favour of private respondents. Learned counsel for the petiotner shall also inform the court as to whether any proceeding under Section 67 of U.P. Revenue Code, 2006 is pending against the petitioner in respect to the gaon sabha plot."

2. Shri Ravindra Prakash Srivastava, learned counsel appearing on behalf of respondent no.7 has placed before the Court the order dated 20.06.2025 passed in Case No.-11200 of 2024 under Section 67 of the U.P. Revenue Code, 2006 in which an eviction order of the petitioner has been passed from plot no.51 situated in Village- Badhaiya, Tehsil- Haraiya, District- Basti recorded as 'banjar' in the revenue records.

3. The petitioner in compliance of the direction of this Court contained in the

aforesaid order dated 12.03.2026 has not filed any affidavit disclosing the aforesaid proceedings having been undertaken against him. In view of the admitted fact that this is the second P.I.L. filed by the petitioner in respect of the same plots the present petition cannot be entertained. Moreover, relevant proceedings under Section 67 has already been instituted against the encroachers of the plots referred to by the petitioner in the present P.I.L. in which proceedings are pending before the appropriate authority at different stages.

4. In my opinion no further direction is warranted in the present P.I.L. from this Court.

5. In view of the aforesaid, the present P.I.L. having become infructuous is dismissed, accordingly.

(Arun Kumar,J.)

March 23, 2026

Virendra