



2026:AHC:16087

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3925 of 2025

Raj Ballabh Kushwaha

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Datta Tiwari, Yogesh Tiwari
Counsel for Respondent(s)	:	C.S.C., Sudhir Bharti

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Sudhir Bharti, learned counsel for the respondent- Gaon Sabha.

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

"A. Issue a writ, order or direction in the nature of mandamus directing the respondent 2 remove the illegal encroachment of the respondent no. 4 Gata no. 684 Area 0.028 Hec encroachment area 0.003 Hec and Gata no. 709 Area 0.085 Hec encroachment Area 0.002 Hec in pursuant of order dated 08.05.2025 passed by respondent no. 2 situated village Kanakpuram Tappa Tarkulawa Pargana Shahjanahpur Tehsil Deoria Sadar District Deoria within a stipulated period as fixed by this Hon'ble Court.

B. Issue a writ, order or direction in the nature of mandamus directing the respondent 2 decide the restoration application no. 18831 of 2025 as well as 18834 of 2025 (Gram Sabha versus Rajendra) under section 67 UP. Revenue Code 2006 as well as comply the order dated 8.05.2025 passed by respondent no.2 illegal encroachment the land in question situated village Kanakpura Tappa Tarkulawa Pargana Shahjanahpur Tehsil Deoria Sadar District Deoria within a stipulated period as fixed by this Hon'ble Court."

3. Learned counsel for the petitioner submitted that the order for ejectment and damages has been passed against the private respondent no.4, as such, authorities be directed to take steps for removal of

encroachment from the plot in question. He further submitted that the restoration application filed against the order of Tahsildar is pending for disposal but no interim order is operating in the matter. He further submitted that appropriate direction be issued for expeditious disposal of pending restoration application so that authorities may take steps for removal of encroachment from the plot in question in accordance with law.

4. I have considered the argument advanced by learned counsel for the petitioner and perused the records.

5. There is no dispute about the fact that restoration application filed by respondent no.4 against the order of Tahsildar under Section 67 of U.P. Revenue Code, 2006 is pending before respondent no.2.

6. So far as the implementation of the order passed by the Tahsildar, under Section 67 of U.P. Revenue Code, 2006 is concerned, the provision has been prescribed under Para 460 of U.P. Revenue Court Manual.

7. Considering the entire facts and circumstances of the case, the instant public interest litigation is finally disposed of directing respondent no.2/ Tahsildar, Deoria Sadar, District- Deoria to decide the restoration application no.18831 of 2025 as well as 18834 of 2025 filed against the order of ejectment and damages dated 8.5.2025 after affording proper opportunity of hearing to the parties expeditiously.

(Chandra Kumar Rai,J.)

January 22, 2026

Rameez