



2026:ABC:1114

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3969 of 2025

Shri Niwas Kumar And Another

.....Petitioner(s)

Versus

State Of U.P. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Singh Sengar
Counsel for Respondent(s)	:	C.S.C., Sudhir Bharti

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioners, Mr. Om Anand, learned Standing Counsel for the State-respondents and Mr. Sudhir Bharti, learned counsel for Land Management Committee.

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

"i. To issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 3 to take action against the respondent no. 5 to 8 (who are illegally constructed house in public utility land).

ii. issue a a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 3 to consider the case of petitioner in regarding disputed land of their village.

iii.. To issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 3 to decide the presentation of the petitioner within stipulated period as directed by this Hon'ble Court."

3. Learned counsel for the petitioners submitted that in spite of the order for ejectment and damages passed by Tehsildar in the proceeding under Section 67 of U.P. Revenue Code, 2006, against the private respondents, order has not been given effect on spot. He submitted that in pursuance of the order for ejectment and damages passed by Tehsildar, encroachment should be removed from the respective area of plot No.304

forthwith.

4. I have considered the arguments advanced by the learned counsel for the parties and perused the record.

5. There is no dispute about the fact that order for ejectment and damages under Section 67 of U.P. Revenue Code, 2006 has been passed by Tehsildar on 12.07.2024 in respect to the plot No.304.

6. Under para-460 of U.P. Revenue Court Manual, procedure has been prescribed for implementation/ execution of the order passed in the proceeding under Section 67 of U.P. Revenue Code, 2006, as such instant public interest litigation cannot be entertained for implementation/ execution of the orders passed under Section-67 of U.P. Revenue Code, 2006.

7. Considering the entire facts and circumstances of the Case, **the instant public interest litigation is dismissed** with observation that proper proceeding for implementation/ execution of the order as prescribed under para 460 of the U.P. Revenue Court Manual can be initiated in accordance with law.

(Chandra Kumar Rai,J.)

January 6, 2026

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