



2026:AHC:16610

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3991 of 2025

Mirja Yadav

.....Petitioner(s)

Versus

State Of U.P And 18 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Yadav
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. Om Anand, learned standing counsel for the state-respondents and Mr. Sudhir Bharti, learned counsel for the respondent-gaon sabha.

2. The instant Public Interest Litigation (P.I.L.) has been filed for the following reliefs:-

"(I) Issue a writ, order or direction in the nature of mandamus, directing the respondent authority for compliance the order dated 23.08.2025 passed by the learned court of additional district magistrate (Finance and revenue), Kushinagar, evict the illegal encroachment/possession of the private respondent nos. 6 to 19 over the land covered by pokhari Gata No. 165 area 0.5710 hectare and 181 area 0.8940 hectare situated at Village- Chilua, Pargana- Haveli, Tehsil- Hata District-Kushinagar.

(II) Issue a writ, order or direction in the nature of mandamus, directing the respondent authority to restore the pokhari land of gram sabha to its original shape of pokhari Gata No. 165 area 0.5710 hectare and 181 area 0.8940 hectare, which is situated in village-Chilua, Post-chilua, Tehsil- Hata District-Kushinagar in pursuance order dated 23.08.2025 passed by additional district magistrate (Finance and revenue), Kushinagar and maintain the status of pokhari land by removing the encroacher."

3. Counsel for the petitioner submitted that in spite of the final order passed by the Tehsildar for ejectment and damages against the private respondents in respect to the plot in question, in the proceeding under Section 67 of the U.P.

Revenue Code, 2006, the order has not been given effect on the spot. He submitted that appeal under Section 67(5) of the U.P. Revenue Code, 2006 has also been dismissed by the appellate court. He submitted that appropriate direction be issued for removal of illegal encroachment from the plot in question.

4. Learned standing counsel and the counsel for the gaon sabha submitted that the instant public interest litigation for implementation/execution of the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006 is not maintainable.

5. I have considered the arguments advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the order for ejectment and damages has been passed by the Tehsildar in respect to the plot in question in the proceeding under Section 67 of the U.P. Revenue Code, 2006 and order of Tehsildar has been maintained in appeal.

7. For execution of the order passed under Section 67 of the U.P. Revenue Code, 2006, remedy is provided under paragraph 460 of the U.P. Revenue Court Manual, as such, the instant P.I.L. cannot be maintained for implementation/execution of the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006.

8. The P.I.L. is accordingly dismissed with observation that proper proceeding can be initiated according to the provision contained under Para 460 of the U.P. Revenue Court Manual in accordance with law.

January 22, 2026
C.Prakash

(Chandra Kumar Rai,J.)