



2026:AHC:16977

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 3996 of 2025

Amarawati Devi

.....Petitioner(s)

Versus

State Of U.P And 18 Others

.....Respondent(s)

Counsel for Petitioner(s) : Viresh Kumar Gupta

Counsel for Respondent(s) : Anil Kumar Ray, C.S.C., Pradeep Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Instruction dated 5.1.2026 sent by Sub Divisional Officer, Duddhi, Sonbhadra, is taken on record.

2. Heard learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents, Mr. Pradeep Singh, learned counsel for the gaon sabha and Mr. Anil Kumar Ray, learned counsel for respondent Nos.6 to 19.

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

“(a) Issue a writ order or direction in the nature of mandamus directing to respondent No. 2 and 3 to remove the illegal construction made on the Bheetha of the pond (Gata 3511 Kha /0.2410 Hectare, 3512/0.0100 Hectare, 3513Ka /0.0450 Hectare, 3514/0.0200 3513Kha/0.0250 Hectare, Hectare, 3515/0.1150 Hectare, 3518/0.0800 Hectare) situated in the village Salayadeeh, Tehsil Duddhi, District Sonbhadra U.P. within stipulated periods.

(b) Issue a writ order or direction of in the nature the mandamus directing the respondent No. 2 and 3 to remove the illegal construction made on the Bheetha of the pond (Gata 3511 Kha /0.2410 Hectare, 3512/0.0100 Hectare, 3513Ka /0.0450 Hectare, 3513Kha/0.0250 3514/0.0200 Hectare, Hectare, 3515/0.1150 Hectare, 3518/0.0800 Hectare)

situated in the village Salayadeeh, Tehsil Duddhi, District Sonbhadra U.P. by deciding the application of the petitioner dated 25.11.2025 within stipulated periods.”

4. Learned counsel for the petitioner submitted that in view of the entry, the authorities be directed to take appropriate steps for removal of encroachment of private respondents from plot in question. He further placed the order dated 25.6.2025 passed by Sub Divisional Officer in the proceeding under section 38 (2) of U.P. Revenue Code, 2006 in order to demonstrate that entry of plot in question was ordered to be recorded as Bandh/Talab in the revenue record.

5. Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents on the basis of the instruction submitted that restoration application filed against the order dated 25.6.2025 is pending as such authorities shall take steps in accordance with law after disposal of pending restoration application filed against the order dated 25.6.2025.

6. Mr. Anil Kumar Ray, learned counsel for the private respondents placed the copy of order dated 12.1.2026 passed by Sub Divisional officer under Section 38 (2) of U.P. Revenue Code, 2006 in order to demonstrate that order dated 25.6.2025 is recalled and restoration application filed by parties have been allowed. He further submitted that it has also been held under the order dated 12.1.2026 that petitioner cannot be impleaded in the proceeding as there is no locus of the petitioner to intervene the proceeding under Section 38 (2) of U.P. Revenue Code, 2006.

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

8. There is no dispute about the fact that proceeding under Section 38 (2) of U.P. Revenue Code, 2006 is pending before Sub Divisional officer as case No. T202116660200860. There is also no dispute about the fact that earlier order dated 25.06.2025 passed by Sub Divisional Officer under Section 38 (2) of U.P. Revenue Code, 2006 has been recalled.

9. Since proceeding under Section 38 (2) of U.P. Revenue Code, 2006 is pending before Sub Divisional officer, as such prayer made in the instant public interest litigation cannot be allowed.

10. No interference is required in the matter.

11. The instant public interest litigation is dismissed accordingly.

(Chandra Kumar Rai,J.)

January 22, 2026
PS*