



2026:AHC:16513

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 4024 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. Shailesh Srivastava, learned Standing Counsel for the State-respondents and Mr. Sudhir Bharti, learned counsel for the Gram 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 respondent 2 to remove the illegal encroachment of respondent no. 4 from Gata no. 709, area 0.085 hect., encroachment area 0.002 hec. in pursuant of order dated 08.05.2025 passed by respondent no. 2 in Case No.14328 of 2024 (Computer Case No.T202405200114328) (Gram Sabha vs. Baliram), situated in village Kanakpura 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 to decide the restoration application no. 18832 of 2025 (Gram Sabha versus Baliram), under section 67 U.P. Revenue Code 2006 as well as to 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 against the order of ejectment and damages dated 08.05.2025 passed by Tehsildar

under Section 67 of U.P. Revenue Code, 2006, restoration application dated 21.06.2025 has been filed by private respondent No.4 which is pending before Tehsildar. He submitted that proper direction be issued for expeditious disposal of pending restoration application within time bound period.

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

5. There is no dispute about the fact that order dated 8.5.2025 for ejectment and damages has been passed by Tehsildar against the respondent No.4 and restoration application dated 21.6.2025 filed by private respondent No.4 is pending before Tehsildar.

6. So far as implementation/ execution of the order passed by Tehsildar 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 for implementation/ execution of the order passed under Section 67 of U.P. Revenue code, 2006.

7. Considering the facts and circumstances of the case, the instant public interest litigation is finally disposed of directing respondent No.2-Tehsildar to decide the restoration application no.18832 of 2025 dated 21.6.2025 filed by respondent No.4 against the order of ejectment and damages dated 8.5.2025 expeditiously in accordance with law after affording proper opportunity of hearing to the parties.

January 22, 2026
C.Prakash

(Chandra Kumar Rai,J.)