



2026:AHC:1644

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 546 of 2025

Aarif

.....Petitioner(s)

Versus

State Of U.P. And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Narendra Pratap Kushawaha, Parashuram Barnawal
Counsel for Respondent(s)	:	C.S.C., Rajeev Kumar Singh, Sudhir Bharti

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Ashutosh Kumar Rai, learned Addl. C.S.C. for the state-respondents, Sri Rajeev Kumar Singh, learned counsel for private respondent nos. 6 to 11 and Sri Sudhir Bharti, learned counsel for the respondent-gaon sabha.

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

"Issue a writ, order or direction in the nature of mandamus, commanding respondent nos. 2 and 3 to take legal action for removal of the illegal encroachment/construction, hut (chhappar) over the land of P.W.D. (road-side land of P.W.D.) which was recorded as P.W.D. land, being gata/khasra no.198, area 0.4130 hect. situated at Pakariyar Bazaar, Police Station- Nebua Naurangiya, Pargana- Sidhua Jobna, Tehsil- Padrauna, District Kushinagar expeditiously."

3. This Court directed the District Magistrate to file his personal affidavit in this matter.

4. In compliance of the order of this Court dated 16.9.2025, personal affidavit of the District Magistrate, Kushinagar has been filed, stating therein that 31 appeals, particulars of which have been mentioned in the personal affidavit dated 28.8.2025, have been filed by the persons under the provisions of the Public Premises (Eviction of

Unauthorized Occupants) Act, 1972.

5. It is also material to mention that in the aforementioned 31 appeals, interim order, staying the operation of the order dated 10.9.2025 is operating.

6. Considering the facts and circumstances of the case coupled with the fact that the 31 appeals under the Public Premises (Eviction of Unauthorized Occupants), Act 1972 Act are pending before the appellate authority, wherein interim order is operating, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to the appellate court to decide the aforesaid 31 appeals filed under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1972, expeditiously, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

(Chandra Kumar Rai,J.)

January 6, 2026

C.Prakash