



2026:AHC:1010

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 796 of 2025

Chandra Bhuvan Rai

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kailash Nath Singh
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Kailash Nath Singh, learned counsel for the petitioner, Mr. Pankaj Kumar Gupta, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent-Gaon Sabha.

2. The instant petition has been filed for the following reliefs:

"i. Issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 3/ Tehsildar, Tehsil Sadar, District Jaunpur to decide the Case No. 301/T202114360406078-T201314364666 [Pannalal Vs. Gaon Sabha] under Section 67 of the U.P. Revenue Code, 2006 situated at Village Saloni, Mahimpur, Mariahu, District Jaunpur;

ii. Issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 3/ Tehsildar, Tehsil Sadar, District Jaunpur to remove the illegal encroached made by the Respondent Nos. 4 and 5 over the Plot No. 633 area 0.1340 hectare recorded as Bhita and Plot No. 637 area 0.2270 hectare recorded as Pond situated at Village Saloni, Mahimpur, Mariahu, District Jaunpur."

3. Learned counsel for the petitioner submitted that in view of the entry of the plot in question, encroachment over the plot in question should be removed.

4. Learned Standing Counsel for the State and learned counsel for the gaon sabha submitted that the proceeding under Section 67 of U.P.

Revenue Code, 2006 has already been registered and final order has been passed by the Tahsildar. They further submitted that the appeal under Section 67 (5) of U.P. Revenue Code, 2006 has already been decided by the appellate Court. They further submitted that the writ petition filed by private respondent against the order of Tahsildar and Collector, is pending before this Court, as such, the instant public interest litigation cannot be entertained.

5. I have considered the argument 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 Tahsildar, which has been maintained in appeal.

7. Under Para 460 of U.P. Revenue Court Manual, provision has been prescribed for implementation / execution of the order passed under Section 67 of U.P. Revenue Code, 2006, as such, the instant public interest litigation cannot be entertained.

8. It is material to mention that the writ petition filed by private respondent is pending before this Court although no interim order has been passed by this Court.

9. Considering the aforementioned facts and circumstances, no interference is required in this matter.

10. The instant public interest litigation is dismissed accordingly.

(Chandra Kumar Rai,J.)

January 6, 2026

Rameez