



2026:AHC:26673-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 135 of 2026

Vishal Kumar Gupta

.....Petitioner(s)

Versus

State of Uttar Pradesh and 4 others

.....Respondent(s)

Counsel for Petitioner(s)	: Anurag Rai
Counsel for Respondent(s)	: Jagdish Pathak (S.C.), Ashutosh Kumar Pandey, Ashwani Kumar Mishra, Nagendra Nath Mishra

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition, purportedly in public interest, has been filed by the petitioner for removal of alleged illegal encroachment and demolition of unauthorized constructions raised over the public utility land (pond) at Gata No. 680A, situated in Sevarahi Town, Tehsil-Tamkuhiraj, District-Kushinagar.
2. Submissions have been made that land of Gata No. 680A is recorded as *pokhra* in the revenue record, however, as construction over the same is existing for many years and despite the complaint made by the petitioner, the same is not being removed by the respondents.
3. We have perused the petition as well as document produced by respondent No. 4.
4. A perusal of the petition indicates that a picture of the alleged offending construction has been produced as Annexure No. 2. The picture indicates three distinct constructions. When it was put to the counsel for the petitioner as to which construction the petitioner wants to be demolished, counsel expressed inability to indicate the same.
5. Further, the petitioner has only impleaded one respondent and, apparently, the picture indicates three distinct buildings, however, none other has been impleaded as party respondent.

6. In the document produced by counsel for respondent No. 4, serious allegations have been made against the petitioner, his father and mother and indications have been made regarding various litigations *inter se* parties. A copy of order dated 10.04.2025 passed in Matters Under Article 227 No. 3143 of 2025 between the parties has also been produced.

7. Filing of petitions, in the name of public interest litigation, where the parties are litigating against each other, is essentially misuse of the forum of PIL. Besides the fact, the construction from the very look appears to be very old, as to what prompted the petitioner to now start making complaints *qua* the said construction, has not at all been indicated, which is also reflective of the *mala fides* in filing the petition only on account of the dispute with respondent No. 5.

8. The petition has no substance, the same is, therefore, **dismissed**.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

February 6, 2026
Mukesh Pal/Sazia