



2026:AHC:49461-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 272 of 2026

Setu Garg

.....Appellant(s)

Versus

State of U.P. and 5 others

.....Respondent(s)

Counsel for Appellant(s)	: Mithilesh Kumar Tiwari
Counsel for Respondent(s)	: Meenakshi Singh (A.C.S.C.), R.C. Singh (Sr. Adv.) with Ritunendra Singh, Ranjeet Verma

Chief Justice's Court

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

1. This appeal is directed against order dated 16.02.2026 passed in PIL No. 193 of 2025, whereby the petition has been dismissed by learned Single Judge.
2. The PIL was filed with the allegations that respondent No. 6 - Elected Village Pradhan was raising construction of his house upon the land in dispute of Gram Sabha Khasra Plot No. 633m, area 2.6710 hectare, situated in Village-Chhajmalpur @ Chajjupur, Tehsil - Meerut (Sadar), District - Meerut and further relief for removal of the construction was sought.
3. Counter affidavits were filed, wherein the District Magistrate, in his personal affidavit, which was filed pursuant to the directions of learned Single Judge, clearly asserted that when the spot inspection of Khasra No. 633m was conducted, the possession of respondent No. 6 was not found on the spot, however, he is making construction over the Gata No. 454, which is recorded as *abadi* under Category 6-2.
4. On part of respondent No. 6, counter affidavit was filed questioning the credentials of the petitioner and asserting his right, based on the revenue record, wherein for Khasra No. 611, name of his father has been found recorded.
5. However, learned Single Judge, by the order impugned, only on

account of the fact that the land in question was recorded as *abadi* (Class 6-2 category plot) in the revenue record and that the plot in question was *minjumla* plot and there was no partition of the plot in question, dismissed the petition.

6. After going through the record, we are firmly of the opinion that the assertions made in the petition and the material, which has come on record by way of counter affidavit, the issue was required to be determined more clearly and the petition could not have been dismissed only on account of the fact that the plot in question was *minjumla* and there was no partition unless the Court came to the conclusion that the respondent No. 6 had some right over the said plot in question, where the construction was being undertaken, specially in view of the fact that the respondent No. 6 holds the position of Gram Pradhan and the grievance, which can be raised by the Gram Sabha, was not questioning the said action.

7. In that view of the matter, the order impugned dated 16.02.2026 passed by learned Single Judge cannot be sustained. The special appeal is **allowed**. The order dated 16.02.2026 is set aside. The matter is remanded back to the learned Single Judge for deciding the same afresh.

8. The parties shall appear before learned Single Judge on 30.03.2026.

9. The respondent would be free to raise the issue of *locus standi* of the petitioner including the fact that the petition is not in public interest.

10. Looking to the nature of the issues involved, it is expected that the matter shall be decided with expedition.

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

March 11, 2026
Mukesh Pal/Sazia