



2026:AHC:41465

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 7348 of 2026

Hridai Narain Singh

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Amit Kumar Singh, Santosh Kumar Srivastava, Shreyansi Singh
Counsel for Respondent(s)	: C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. It is argued by learned counsel for the petitioner that in the year 2003, various orders had been passed by the revenue authorities for removal the encroachment, hence the petitioner has preferred the present petition.
2. Nothing has been stated in the entire writ petition nor any argument has been raised by learned counsel for the petitioner that what prejudice has been caused to the petitioner for non-compliance of the aforesaid orders and what is the locus of the petitioner to file present petition.
3. The Hon'ble Supreme Court in case of ***Jasbhai Motibhai Desai Vs. Roshan Kumar, Haji Bashir Ahmed reported in 1976 (1) SCC 671*** held that a stranger who is not an aggrieved person cannot maintain a Writ for either Certiorari or Mandamus. The relevant paragraph of the aforesaid judgment is reproduced hereunder:-

"50. While a Procrustean approach should be avoided, as a rule, the Court should not interfere at the instance of a "stranger" unless there are exceptional circumstances involving a grave miscarriage of justice having an adverse impact on public interests. Assuming that the appellant is a "stranger", and not a busybody, then also there are no exceptional circumstances in the present case which would justify the issue of a writ of certiorari at his instance. On the contrary, the result of the exercise of these discretionary powers, in his favour, will, on balance, be against public

policy. It will eliminate healthy competition in this business which is so essential to raise commercial morality; it will tend to perpetuate the appellant's monopoly of cinema business in the town; and above all, it will in effect, seriously injure the fundamental rights of Respondents Nos. 1 and 2, which they have under Article 19(1)(g) of the Constitution, to carry on trade or business subject "reasonable restrictions imposed by law"."

4. The same view was again taken by the Madras High Court in the case of ***Eswari vs. Chief Secretary of Government of Tamilnadu and others in Writ Petition No.27298 of 2021*** decided on 25.1.2023.

5. In this view of the matter, the Court is of the opinion that since the petitioner does not come within the definition of aggrieved person, the petition is liable be dismissed and the same is hereby dismissed.

(Prakash Padia,J.)

February 24, 2026

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