



2026:AHC:17688

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 875 of 2026

Jaynath Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sanjeev Kumar Yadav

Counsel for Respondent(s) : C.S.C., Rameshwar Prasad Shukla

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred the present petition with the following prayer :-

(I) To issue a writ, order or direction in nature of CERTIORARI calling for the record and quashing impugned order dated 30/12/2025 passed by Collector Ballia, District-Ballia, in case No. 1487 of 2025, computerized case No. D202515090001487, under Section 67(5) of the U.P. Revenue Code, 2006 (Jaynath Singh Vs. Gram Panchayat) as well as order dated 22/07/2025 passed by Assistant Collector/Tahsildar, Tahsil- Rasada, District-Ballia, in case No. 2641 of 2024, computerized case No. T202415090402641 (Gaon Sabha Vs. Jaynath Singh), under Section 67 of the U.P. Revenue Code. 2006 Annexure Nos.-1 & 2 to the writ petition respectively).

2. Facts in brief as contained in the writ petition are that on the report dated 30.06.2024 submitted by the Revenue Inspector, proceedings under Section 67 had been issued against the petitioner for encroaching the plot No.538 which has been belonging to the Gaon Sabha. Thereafter the petitioner submitted application on 24.07.2024 and another report has been submitted by the Lekhpal on 17.01.2025. Considering the aforesaid reports, the respondent No.3/Assistant Collector/Tehsildar, Tehsil Rasada District Ballia passed the order dated 22.07.2025 evicting the petitioner from the land in dispute. Aggrieved with the aforesaid order, the

petitioner preferred appeal being Appeal No.1487 of 2025 (Computerized Case No.D202515090001487) before the respondent No.2/Collector, Ballia and the aforesaid appeal has also been rejected by the respondent No.2/Collector, Ballia.

3. Apart from various other arguments, one of the arguments has been raised by counsel for the petitioner that aforesaid orders were passed in complete violation of the procedure prescribed in para-74 passed in the case of ***Rishipal Singh and others Vs. State of U.P. and others reported in 2023 (1) ADJ 154*** hence same are liable to be set aside.

4. This fact is also admitted by counsel for the respondents.

5. In view of the same, since the order dated 30/12/2025 passed by respondent No.2/Collector Ballia, District- Ballia, in case No. 1487 of 2025, computerized case No. D202515090001487, under Section 67(5) of the U.P. Revenue Code, 2006 (Jaynath Singh Vs. Gram Panchayat) as well as order dated 22/07/2025 passed by respondent No.3/Assistant Collector/Tahsildar, Tahsil- Rasada, District-Ballia, in case No. 2641 of 2024, computerized case No. T202415090402641 (Gaon Sabha Vs. Jaynath Singh), under Section 67 of the U.P. Revenue Code. 2006 were passed in complete violation of procedure prescribed in the case of Rishipal case (supra), the same are set aside. The writ petition is allowed and the matter has been remanded back before the respondent No.3/Assistant Collector/Tahsildar, Tahsil- Rasada, District-Ballia to pass fresh order expeditiously.

(Prakash Padia,J.)

January 27, 2026

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