



2026:AHC-LKO:22020

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 216 of 2026

Uttam Singh

.....Petitioner(s)

Versus

District Magistrate Distt. Bahraich (U.P.) And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajan Singh
Counsel for Respondent(s)	:	C.S.C., Pankaj Gupta

Court No. - 8

HON'BLE JASPREET SINGH, J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos.1, 2 and 3 has been accepted by the office of Chief Standing counsel. Sri Pankaj Gupta learned counsel has accepted notice on behalf of respondent nos.4.

By means of the instant petition, the petitioner prays for following reliefs:

"(i) Issue a writ order or direction in the nature of mandamus commanding to the opposite parties to decide the representation dated 07.02.2026 (Contained as Annexure No.2) by which petitioner raised grievances regarding illegal encroachment upon the total area of 2.360 hectares public utility land recorded as Rasta and Chak Marg-having Gata No.406 (Area 0.6840 Hec), Gata No.446 (Area 0.6310 Hec), Gata No.1353 (Area 0.0320 Hec) Gata No.1339 (Area 0.0570 Hec), Gata No.1416 (Area 0.0280 Hec. Naali (Drain), Drain Pipe- having Gata No.271 (Area 0.0450 Hec), Gata No.400 (Area 0.0410 Hec), Gata No.409 (Area 0.0240 Hec), Talab- having Gata No.1418 ja (Area 0.4130 Hec), Naveen Parti- having Gata No.1357 (Area 0.0120 Hec). Gata No.1364 (Area 0.0930 Hec) Gata No.1417 (Area 0.1450 Hec, Reserved for Scheduled Caste Gata No.1358 (Area 0.0280 Hec, Banjar having Gata No.408 ka (Area 0.1290 Hec.) of Village Sachauli, Tehsil- Payagpur, District-Bahraich and requested to remove the illegal encroachment.

(ii)) Issue a writ order or direction in the nature of mandamus

commanding to the opposite parties to conduct enquiry of the encroachments upon the Public Utility Land in Distrit-Bahraich."

Learned Additional Chief Standing counsel has provided a detailed written instructions dated 09.03.2026 under the signatures of the Tehsildar, Payagpur District Bahraich and the same is taken on record.

Sri Rahul Shukla learned Additional Chief Standing counsel for the State has pointed out that in so far as the averments made in the petition and the prayer sought is concerned that is absolutely vague. Moreover, no credentials have been indicated to indicate the bona fides of the petitioner who has filed the instant petition in nature of public interest litigation.

Sri Shukla has also pointed out that in many of the plots which have been mentioned in para-9 of the petition largely in all the cases proceedings have been initiated under Section 67(1) of the U.P. Revenue Code, 2006 and in some of the cases so instituted, orders have also been passed. It has been pointed out that the same has been annexed along with written instructions provided to the Court.

It has also been pointed out that in some cases where the orders were passed under Section 67(1) of the Code of 2006, the aggrieved persons have moved an application for recall and in some cases, an appeal has also been filed. The emphasis is that the State has taken note of it and proceedings are already pending at different levels and for the said reasons, the instant PIL cannot be entertained.

Learned counsel for the petitioner was put to a specific query as to whether any disclosure has been made in the instant petition regarding the pendency of the proceedings mainly at different stages, to which, counsel for the petitioner does not give any candid answer.

Be that as it may, since the issue sought to be raised is regarding encroachment and the State has already initiated proceedings, this Court does not find that any further orders are required.

With the aforesaid, the petition is **disposed of**.

However, this Court noticed that in similar matters, three petitions

bearing Public Interest Litigation (PIL) Nos.194 of 2026, 175 of 2026 and 205 of 2026 were connected and disposed of by this Court vide order dated 26.03.2026.

The Court had taken notice of the fact the manner in which the orders under Section 67(1) of the Code, 2006 has been passed.

From a perusal of the written instructions provided today, this also indicates that completely absurd orders have been passed by the authority and for the aforesaid reasons, this petition shall also be connected along with leading Public Interest Litigation (PIL) Nos.194 of 2026 and be placed before the Court on **1st of May, 2026** in terms of order dated 26.03.2026 passed therein.

The directions issued in the aforesaid case shall also apply to the instant case.

(Jaspreet Singh,J.)

March 30, 2026

Harshita