



2026:AHC-LKO:21906

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 194 of 2026

Mamta Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. (Revenue Deptt.)
Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashish Raman Mishra, Pallavi Dwivedi
Counsel for Respondent(s)	: C.S.C., Pankaj Gupta

Alongwith

PUBLIC INTEREST LITIGATION (PIL) No. - 175 of 2026

Mamta Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Govt. Sectt. Lko. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashish Raman Mishra, Pallavi Dwivedi
Counsel for Respondent(s)	: C.S.C., Pankaj Gupta

Alongwith

PUBLIC INTEREST LITIGATION (PIL) No. - 205 of 2026

Mohammad Imran Ali

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Lko. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Dinesh Kumar Dixit, Vinay Mishra
Counsel for Respondent(s)	: C.S.C., Pankaj Gupta

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. This is a batch of three petitions which have been filed in public interest seeking removal of illegal encroachments from public utility land. Ideally, the three petitions should have been decided separately but for the

facts and the order proposed by the Court it is appropriate that all the three petitions are decided by this common order.

WPIL No.194 of 2026 and WPIL No.185 of 2026

2. These two petitions have been filed by Mamta Singh, wife of Hem Singh for removal of illegal encroachment over the public utility land of Gata No.61 in village Bidaura, Pargana Hesmapur, Tehsil Qaisarganj, District Bahraich.

WPIL No.205 of 2026

3. Whereas this petition has been filed by Mohammad Imran Ali, son of Mohd. Ibrahim seeking compliance of the orders dated 30.10.2023 and 10.11.2023 so that illegal construction and encroachment be removed from Plot No.143 M, situate in village Kadauni, Pargana Hesampur, Tehsil Qaisarganj, District Bahraich.

4. In all the three cases, instructions were provided by the learned Standing Counsel wherein a common ground has been taken that proceedings have been initiated under Section 67(1) of the U.P. Revenue Code 2006 which were decided. However, the said proceedings have not attained finality inasmuch as an application for recall has been moved which is engaging the attention of the authorities concerned and since the order has not attained finality, consequently, the mandamus prayed by the petitioner may not be granted.

5. Having considered the aforesaid submissions and from the perusal of the material on record, it is clear that the State Authorities do not dispute that there were illegal encroachments. The State Authorities did take measures by initiating proceedings under Section 67(1) of the U.P. Revenue Code 2006. The record also indicates that once the State has already taken the initiative for removal by taking recourse to judicial proceedings under the U.P. Revenue Code 2006, hence, no further orders are required to be passed since the proceedings are already pending.

6. For the aforesaid reasons, the Court does not propose to pass any order on merits or issue any writ as the proceedings are already pending. Thus, in so far as the relief claimed by the petitioner is concerned in all the three petitions, the same cannot be granted and the petitions are disposed of at this stage, noticing the pendency of the judicial proceedings.

7. What is more important now is the fact that in all the three petitions filed in public interest which have come before this Court, in this regard, it may also be mentioned that there are several other public interest petitions which are repeatedly being filed by citizens indicating that

public utility lands have been encroached upon and no action is being taken. It is only where such writ petitions are taken note of by this Court that proceedings are initiated by the State Authorities as a knee-jerk reaction.

8. The public utility land vests in the State and it holds the same in trust for its citizens. It is the duty of the State to ensure that there is no encroachment. However, it appears because of the slack attitude of the State machinery and its revenue officials that such encroachments are made at galore.

9. As if this was not enough, another disturbing trend which has been noticed and can easily be seen in these three petitions is the fact that upon commencement of proceedings under Section 67(1) of the U.P. Revenue Code 2006, the kind of orders which are passed by the Authority i.e. by the Tahsildar Qaisarganj, District Bahraich will indicate a complete and comprehensive case of non application of mind.

10. In three cases as mentioned above identical orders have been passed though on different dates that is to say in WPIL No.194 of 2026 and order under Section 67 (1) of the U.P. Revenue Code 2006 was passed against Bansh Raj and the same reads as under:-

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आदेश पत्रक
न्यायालय: तहसीलदार
मण्डल : देवीपाटन, जनपद : बहराइच, तहसील : कैसरगंज
वाद संख्या:-01894/2021
कंप्यूटरीकृत वाद संख्या:-T202108150301894
गाँवसभा बेदौरा बनाम बशराज
अंतर्गत धारा: 67 अधिनियम उत्तर प्रदेश राजस्व संहिता 2006
गाँवसभा बेदौरा बनाम बंशराज
निर्णय

प्रस्तुत वाद की कार्यवाही क्षतिपूर्ति रिपोर्ट पर प्रारम्भ हुई। नोटिस 49क निर्गत होकर वाद तामीला संलग्न पत्रावली है।

प्रतिवादी उपस्थिति नहीं आया। जिससे प्रतिवादी के अनुपस्थित होने के कारण उनके विरुद्ध एकपक्षीय कार्यवाही करते हुए। आदेश हेतु पत्रावली नियत की गयी।

अतः निम्न दिया जाता है कि-

आदेश

ग्राम बेदौरा परगना हिसामपुर के गाटा सं० 61मि/0.008 हे० जो राजस्व अभिलेखों में निस्तबचनस्थल के रूप में अंकित है प्रतिवादी बंशराज पुत्र सियाराम ग्रामवासी द्वारा अनाधिकार अतिक्रमण करने के कारण बेदखल करते हुए क्षतिपूर्ति मु० 1720 रु० आयत की जाती है जो 15 रु० निष्पादन व्यय के वसूल हो। नोटिस 49ग जारी हो। पत्रावली बाद वसूली एवं बेदखली दाखिल दफ्तर हो।

सहायक कलेक्टर / तहसीलदार,

कैसरगंज।

11-1-2023"

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आदेश पत्रक

न्यायालय: तहसीलदार

मण्डल : देवीपाटन, जनपद बहराइच, तहसील कैसरगंज

वाद संख्या:-01897/2021

कंप्यूटरीकृत वाद संख्या:-T202108150301897 गाँवसभा बेदौरा बनाम रूबीना बेगम

अंतर्गत धारा: 67 अधिनियम उत्तर प्रदेश राजस्व संहिता 2006

गाँवसभा बेदौरा बनाम रूबीना बेगम

निर्णय

प्रस्तुत वाद की कार्यवाही क्षतिपूर्ति रिपोर्ट पर प्रारम्भ हुई। नोटिस 49क निर्गत होकर वाद तामीला संलग्न पत्रावली है।

प्रतिवादी उपस्थिति नहीं आया। जिससे प्रतिवादी के अनुपस्थित होने के कारण उनके विरुद्ध एकपक्षीय कार्यवाही करते हुए। आदेश हेतु पत्रावली नियत की गयी।

अतः निम्न दिया जाता है कि-

आदेश

ग्राम बेदौरा परगना हिसामपुर के गाटा सं० 61मि/0.008 हे० जो राजस्व अभिलेखों में निस्तबचनस्थल के रूप में अंकित है प्रतिवादी बंशराज पुत्र सियाराम ग्रामवासी द्वारा अनाधिकार अतिक्रमण करने के कारण बेदखल करते हुए क्षतिपूर्ति मु० 1720 रु० आयत की जाती है जो 15 रु० निष्पादन व्यय के वसूल हो। नोटिस 49ग जारी हो। पत्रावली बाद वसूली एवं बेदखली दाखिल दफ्तर हो।

सहायक कलेक्टर / तहसीलदार,

कैसरगंज।

13-2-2023"

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आदेश पत्रक
न्यायालय: तहसीलदार
मण्डल : देवीपाटन, जनपद बहराइच, तहसील कैसरगंज
वाद संख्या:-05889/2020
कंप्यूटरीकृत वाद संख्या:-T202008150305889 गाँवसभा कुडौनी बनाम लल्लू
अंतर्गत धारा: 67 अधिनियम उत्तर प्रदेश राजस्व संहिता 2006
गाँवसभा बनाम लल्लू

निर्णय

प्रस्तुत वाद की कार्यवाही क्षतिपूर्ति रिपोर्ट पर प्रारम्भ हुई। नोटिस आर ० सी प्रपत्र 20 निर्गत होकर बाद तामीला संलग्न मिसिल है।

प्रतिवादी उपस्थिति नहीं आया प्रतिवादी के अनुपस्थित होने के कारण उनके विरुद्ध एकपक्षीय कार्यवाही करते हुए आदेश हेतु पत्रावली नियत की गयी।

अतः निम्न दिया जाता है कि-

आदेश

ग्राम कुडौनी परगना हिसामपुर के गाटा सं० 143मि/0.006 हे० गाँवसभा की भूमि से प्रतिवादी लल्लू पुत्र मिश्रीलाल ग्रामवासी द्वारा अनाधिकार अतिक्रमण करने के कारण बेदखल करते हुए क्षतिपूर्ति मु० 9900.00/ रु० आयत की जाती है। जो 15/ निष्पादन व्यय के साथ वसूल हो। आर०सी० प्रपत्र 21 जारी हो। पत्रावली बेदखली व क्षतिपूर्ति वसूली के उपरान्त संग्रहीत हो।

(अजय कुमार यादव)

सहायक कले०/तहसीलदार कैसरगंज

30.10.2023"

11. From the perusal of the above scanned order, it would reveal that the said orders have been passed in a most casual manner. The orders are apparently cryptic without there being any consideration or reason which makes it non-speaking apart from the fact that it also amounts to a violation of principles of natural justice which also includes a facet that any order being passed against a person and has civil consequences then it must incorporate reasons so that the person aggrieved must know that what has been held and why it has been held against him.

12. It is not that this is prevalent in these three files rather such orders have come to the notice of this Court in several other petitions, which has prompted this Court to take notice of it.

13. It is also to be noticed that the order passed under Section 67(1) of the U.P. Revenue Code 2006 can be assailed further in an appeal and then in a revision under Section 210 of the Code of 2006 or before this Court in exercise of powers under Article 226 of the Constitution of India.

14. There appears to be a pattern as to why these kind of orders are passed. Upon pondering this Court finds that there can be only few plausible options why such an order could be passed:-

(i) Either the officer concerned has no idea or semblance of how quasi judicial order is to be passed especially knowing the fact that such orders are appealable and can be carry forward in revision and can also be brought to the notice of Constitutional Court;

(ii) The orders are prepared in the name of the officer by some other person and the officer appends his signature, without even looking into it and without due application of mind and may be blindly, which apparently amounts to complete dereliction of duty since such an excuse is not available to an authority who exercises quasi judicial powers;

(iii) There can be another reason and that is the authorities just turn a blind eye to such encroachments when they are done and no action is taking by the authorities. Later, once some pressure or compulsion is exerted by initiation of proceedings which are entertained and for extraneous consideration help such persons who have made encroachment and then the authority passes such cryptic orders. The Authority apparently knows that such orders cannot sustain judicial scrutiny. However, only to please the State and to show that the officer is doing his duty an illegal order is passed and on the other hand for pleasing the respondents/the encroachers from whom there may be some extraneous understanding, such orders are passed which apparently while allowing the claim of the State, indirectly amounts to helping the encroacher. The orders are patently illegal so that whenever the encroacher moves an application for recall or may file an appeal then with enough certainty that the Appellate Authority would not approve such an order. This way the matter would prolong before the Authority itself if it entertains an application for recall or before Appellate Authority where an encroacher would be entitled to an interim order and thus perpetuating an illegal possession.

15. Whatever be the reason, nevertheless, it reflects a complete dark picture of deliberate neglect of the officers, how they mann their courts or pass orders. It is a sorry state of affairs. Though it can be said that there may be a chance for a mistake but when such type of orders are coming up before this Court repeatedly, then it cannot be an issue of mistake or pure co-incidence rather it reflects complete negligence apparently,

dereliction of duty and non application of mind by the officer concerned.

16. It is in this view of the matter where though the petitions have been **disposed of** but since public interest litigations have been presented before this Court, the Court has taken *suo moto* cognizance of this aspect of the matter and accordingly directs the Principal Secretary Revenue to look into this matter and file his personal affidavit indicating what measures are taken to train such officers holding the posts where the Revenue Officers are exercising quasi judicial function. He shall also indicate what measures have been taken to rectify such repeated errors and passing orders which cannot be termed as an order rather it makes mockery of the proceedings.

17. A copy of this order shall also be placed before the A.C.S. Government of U.P. of the concerned department and if required the Court will call upon the said A.C.S. for suggestion as well as how this malaise can cured and rectified.

18. For this purpose, this matter shall now come up before the Court on 1st of May, 2026.

19. A copy of this order shall be served through by the Senior Registrar of this Court to the Principal Secretary, Revenue, Government of U.P. as well as A.C.S. (Revenue), Govt. of U.P. A copy of this order shall also be circulated to the Chairman, Board of Revenue and the District Magistrate, Bahraich.

(Jaspreet Singh,J.)

March 26, 2026

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