



2026:AHC:50621-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 312 of 2026

Sobhanath Prajapati and another

.....Petitioner(s)

Versus

State of U.P. and 7 others

.....Respondent(s)

Counsel for Petitioner(s)	: Jayendra Kumar Mishra
Counsel for Respondent(s)	: Rajiv Singh (S.C.), Lakshman Prasad Ojha, Praveen Kumar Mishra, Sharad Kumar

Chief Justice's Court

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

1. This petition, purportedly in public interest, has been filed by the petitioners seeking a direction to respondent Nos. 2 to 5 to remove and dispossess the unauthorized guesthouse in the premises of the recognized school building and stop the interference of respondent No. 8 and his associates unauthorizedly and illegally running the guesthouse and interfering in smooth running and teaching work to the students for the welfare and public at large.

2. Allegations have been made that the Society - respondent No. 6 is running the institution, wherein now the guesthouse in the name of R.K. Marriage Lawn is being operated by respondent No. 8 by force and muscle power.

3. By order dated 05.02.2026, respondent Nos. 1 to 5 were directed to produce instructions and respondent Nos. 6 to 8 were issued notices. On behalf of respondent No. 8, counter affidavit has been filed, *inter alia*, questioning the credentials of the petitioners in filing the petition, purportedly in the nature of PIL.

4. Submissions have been made that an FIR has been lodged by respondent No. 8 against petitioner No. 1, which has been registered as Case Crime No. 91 of 2022 pertaining to the same institution/property in question. Another civil suit filed by respondent No. 8 is pending against

one Rajesh Prajapati also pertaining to the same property in question. Submissions have also been made that a Writ - C No. 32398 of 2023 is pending consideration, which has been filed by respondent No. 6 against respondent No. 8 in relation to the same property with similar nature allegations and in view of the fact that *inter se* dispute between the parties is pending before competent authority/court/this Court, filing of the PIL essentially is misuse of the said jurisdiction and the same is *mala fide*.

5. The respondent Nos. 1 to 5 has produced instructions, *inter alia*, indicating that the purported school Chakradhari Vidya Mandir Junior High School is not recognized in the UDISE Portal and the number of students is zero for Session 2025-26 and in 2024-25, there were only one student, who has dropped out. None of the teachers are indicated on the portal and that notice has been issued to the Society seeking information regarding the use of the property in question.

6. Counsel for the petitioners attempted to make submissions that irrespective of the filing of the FIR, the same was not required to be disclosed as the present is a PIL, independent of the said lodging of the FIR. Further submissions have been made that petitioners are social workers and working through a registered Society namely Kashi Manav Vikas Samiti and that the fact that none of the students are registered is only on account of the fact that the property is not being permitted to be used as a school.

7. Counsel appearing for respondent Nos. 6 and 7 vehemently supported the cause of the petitioners against respondent No. 8 and tenor of the submissions has been that in the pending writ petition filed by respondent No. 6, the State/respondent No. 8 are not permitting the matter to proceed further.

8. In the over all fact situation of the present case, we find that filing of the present petition, on part of the petitioners, is not *bona fide*. The petitioners, irrespective of the relevance of the lodging of the FIR by respondent No. 8 against the petitioners was required to disclose the said fact in the present writ petition and despite being aware of the pendency of the writ petition filed by the Society, not disclosing the said fact in the

present writ petition is also writ large. In case, the petitioners were unaware of the pendency of the writ petition, the same also discloses the fact that the petition has been filed without making any due inquiry/investigation pertaining to the subject matter of the petition and without in any manner calling upon respondent No. 6 to indicate the action, if any, taken by them rather allegations were made against respondent No. 6 being in hand-in-glove with respondent No. 8, which fact is vehemently denied by counsel appearing for respondent Nos. 6 and 7 based on the filing of the writ petition, which was initially dismissed by order dated 24.01.2024 and came to be restored on account of order passed in Special Appeal No. 195 of 2024, dated 07.05.2024.

9. In that view of the matter and the fact that respondent Nos. 6 and 7 are seeking to support the cause of the petitioners insofar as respondent No. 8, in the present petition is concerned, despite pendency of the writ petition filed by it, we do not find any reason to entertain the present petition, which as already observed hereinbefore is not *bona fide*. The same is, therefore, dismissed.

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

March 12, 2026

Mukesh Pal/Sazia