



2026:AHC:46589

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 9294 of 2026

Jaishankar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Atul Kumar Pandey, Vimal Kumar
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The matter was taken up today due to nomination of Hon'ble The Chief Justice dated 28.02.2026.

2. Heard Sri Atul Kumar Pandey along-with Sri Vimal Kumar, learned counsel for the petitioner, Sri J. N. Maurya, learned Chief Standing Counsel along-with Sri Vijay Shankar Prasad, learned Additional Chief Standing Counsel for the respondent-State and Sri Pradeep Singh, learned counsel for the respondent no.4.

3. Instructions dated 01.03.2026 was placed before the Court by the learned Additional Chief Standing Counsel, same is taken on record.

4. The petitioner has preferred present writ petition inter-alia with the following prayers :-

"a. Issue a writ or direction in the nature of certiorari to quash the impugned order dated 28.01.2026 passed by respondent no.2 District Magistrate, District Bhadohi in appeal no.1201/2025, computerized case no.D-202516670001201 (Jaishankar versus State of U.P. and another) Under Section 67(5) of U.P. Revenue Code, 2006 (Annexure no.1) and impugned notice dated order dated 11.08.2025 and 19.02.2026 issued by Tehsildar Gyanpur District Bhadohi (annexure no.6 and 10).

b. Issue a writ or direction in the nature of mandamus directing the respondents authorities not to interfere in the peaceful possession of the petitioner over the land in Gata no.104 area 0.108 hectare situated Pali Taluka Kodh Tehsil Gyanpur District Bhadohi during pendency of the present writ petition."

5. The facts in brief as contained in the writ petition are that the proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioner in which an order of eviction and damages has been passed against the petitioner on 11.08.2025 by the respondent no.3-Tehsildar, Tehsil-Gyanpur, District Bhadohi. Aggrieved against the aforesaid statutory appeal as provided under Section 67 (5) of the U.P. Revenue Code, 2006 being Appeal No.1201 of 2025 (Computerized Case No.D202516670001201 was filed, which was dismissed on 28.01.2026 by the respondent no.2-District Magistrate, Bhadohi. Pursuant to the aforesaid notice was issued by the respondent no.3 to the petitioner on 19.02.2026 by which petitioner was directed to remove the illegal encroachment made over the land in dispute namely from Gata No.104 area 0.041 hectare situated in Village Pali Taluka Kodh, Tehsil-Gyanpur, District Bhadohi by 03.03.2026 otherwise aforesaid illegal construction will be removed forcefully.

6. Though various arguments were raised by the counsel for the petitioner in support of the writ petition ultimately a prayer has been made by him to grant some time to the petitioner to remove his illegal encroachment made on the land in dispute.

7. This prayer has not been opposed by counsel for the respondents.

8. Heard learned counsel for the parties and perused the records.

9. In this view of the matter and also in the interest of justice, time till 31.05.2026 is granted to the petitioner to remove the illegal encroachment made over the land in dispute.

10. Petitioner is directed to submit an undertakings in this regard on or before 10.03.2026 before the respondent no.2-District Magistrate, District Bhadohi that he will handover the peaceful possession of the land in dispute to the respondent no.2 on or before 31.05.2026. In case such an undertaking is given on or before 10.03.2026 no coercive action shall be taken against the petitioner regarding the land in dispute.

11. In case petitioner will not handover the possession on or before 31.05.2026, respondent no.2 is free to remove illegal encroachment and

take possession over the land in dispute from the petitioner forcefully.

12. While going through the records of the case it transpires that while passing the order dated 11.08.2025 by the respondent no.3 not only the direction was given for eviction but also damages to the extent of Rs.32,800/- as well as expenses of Rs.1,000/- was imposed upon the petitioner. Nothing has been stated in the entire order regarding the basis of imposition of damages upon the petitioner.

13. In this view of the matter, taking a lenient view the damages and expenses imposed upon the petitioner in the order dated 11.08.2025 is hereby quashed.

14. With the aforesaid observations, present writ petitions is dismissed.

(Prakash Padia,J.)

March 1, 2026

Pramod Tripathi