



2026:AHC:19097

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3776 of 2025

Mahenoor Ansari

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Jitendra Kumar Upadhyay, Puneet Bhadauria
Counsel for Respondent(s)	: Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Om Anand, learned standing counsel for the state-respondents and Sri Bhupendra Kumar Tripathi, learned counsel for the respondent-gaon sabha.

2. The instant writ petition has been filed for the following reliefs:-

"I. Issue a writ order or direction in the nature of mandamus commanding to the respondent to remove illegal encroachment of the respondent no. 6 over the public utility land/ being Arazi No. 37 admeasuring Area 0.020 Hectare situated at Village Rasoolpur Habibullah, Pargana Mohammadabad, District Ghazipur, within a stipulated time so framed by this Hon ble Court;

(ii) Issue a writ order or direction in the nature of mandamus commanding to the respondent no. 4 to conclude the proceeding under Section 122-B U.P.Z.A. and L.R. Act (now Section 67 of U.P. Revenue Code, 2006) in pursuant to the remand order dated 27.9.2007 passed by Collector/District Magistrate, Ghazipur in Revision No. 177 of 2003 (State Vs. Nasiruddin and Others) within a span of time so stipulated by this Hon ble Court;"

3. Counsel for the petitioner states that the illegal encroachment of respondent no.6 should be removed from the plot in question. He

further submitted that the proceeding under Section 122-B of the U.P. Z.A. & L.R. Act has been initiated which was dropped but in appeal, the order has been set aside and the matter has been remanded back before the Tehsildar to decide the proceeding afresh but no order has been passed by the Tehsildar in pursuance of the remand order.

4. Sri Om Anand, learned standing counsel, on the basis of the instruction dated 27.1.2026, sent by the S.D.M., Mohammdabad, Ghazipur, which is taken on record, submitted that proceeding under Section 67 of the U.P. Revenue Code, 2006 has been registered against the private respondent no.6/Nasiruddin as Case No.T202614290201663 wherein the next date fixed is 3.2.2026, as such, appropriate action shall be taken by the authorities after disposal of the pending proceeding.

5. Counsel for the petitioner submitted that appropriate direction be issued for the disposal of the case registered under Section 67 of the U.P. Revenue Code, 2006 within time bound period as the proceeding for eviction is pending since 2007.

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.4/Tehsildar, Tehsil, Mohammadabad, Ghazipur to decide the aforesaid proceeding under Section 67 of the U.P. Revenue Code, 2006, expeditiously, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

(Chandra Kumar Rai,J.)

January 28, 2026
C.Prakash