



2026:AHC:4836

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 3652 of 2025

Harendra Pratap Yadav

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Chandra Bhushan Singh, Saurabh Kumar Pandey
Counsel for Respondent(s)	: C.S.C., Dinesh Bahadur Singh, Rameshwar Prasad Shukla, Shashi Kant Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Shashi Kant Singh, learned counsel for respondent nos. 5 & 6 and Sri Rameshwar Prasad Shukla, learned counsel for the respondent-gaon sabha.

2.The instant public interest litigation has been filed for following relief:-

"I. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities particularly respondent no.3/Tehsildar, Tehsil- Bharthana, Azamgarh to remove the illegal encroachment made by the respondent nos. 5 & 6 over Gata No. 383M is recorded as play ground, pond and Kabristan in revenue record in Village- Laharpar, Tehsil- Budhanpur, District-Azamgarh within reason and stipulated period as fixed by this Hon'ble Court.

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.3 to initiate the proceeding Under Section 67 of Revenue Code, 2006 against the private respondent and conclude the same within reason and stipulated for removed of respondent nos.5 & 6 over Gata No. 383M is recorded as play ground, pond and Kabristan in revenue record in Village- Laharpar, Tehsil- Budhanpur, District-Azamgarh as per mandate of U.P. Revenue Rule, 2016."

3. Instruction dated 15.12.2025, sent by Tehsildar, Budhanpur, Azamgarh is taken on record.

4. Sri Awadhesh Kumar Patel, learned standing counsel, on the basis of instruction dated 15.12.2025 submitted that in respect of plot no.383M, an order for ejectment and damages has already been passed by the Tehsildar on 14.3.2023 against private respondent no.6-Virendra. He further submitted that restoration application has been filed by respondent no.6 against the order dated 14.3.2023 which is pending before the Tehsildar

and the last date fixed was 29.11.2025. He submitted that after disposal of the restoration proceeding, appropriate steps shall be taken by the authorities.

5. Learned counsel for respondent nos. 5 & 6 submitted that civil suit in respect to plot in question is pending before the civil court but the petitioner has neither disclosed the fact of the pendency of the civil suit nor the factum of filing of restoration application by respondent no.6 against the order dated 14.3.2023 in the instant P.I.L., as such, the instant P.I.L. should be dismissed.

6. Counsel for the petitioner submitted that respondent no.5 is the Village Pradhan and respondent no.6 is the husband of respondent no.5, as such, the instant P.I.L. should be entertained against respondent nos.5 & 6.

7. Considering the facts and circumstances of the case, the instant P.I.L. is finally disposed of, directing the respondent no.3/Tehsildar, Budhanpur, Azamgarh to decide the restoration application filed by respondent nos. 5 & 6 against the order of ejectment and damages dated 14.3.2023, after affording opportunity of hearing to both the parties, in accordance with law, expeditiously.

(Chandra Kumar Rai,J.)

January 8, 2026
C.Prakash