



2026:AHC:20558

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3673 of 2025

Rajesh

.....Petitioner(s)

Versus

State Of U.P. And 8

.....Respondent(s)

Counsel for Petitioner(s)	: Sunil Kumar Pandey
Counsel for Respondent(s)	: Anand Mani Tripathi, C.S.C., Pankaj Kumar Gupta, Satya Prakash Mishra

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Om Anand, learned Standing Counsel for the State-respondents, Mr. Satya Prakash Mishra, learned counsel for the private respondent and Mr. Pankaj Kumar Gupta, learned counsel for the respondent- Gaon Sabha.

2. The instant public interest litigation has been filed for the following reliefs:

"I. Issue a writ, order or direction in the nature of mandamus, commanding and directing the respondent no.2 and 3 to remove the illegal encroachment made by the respondent no.6 to 9 over the Gram Sabha property of Gata No. 53 area 0.1000 hectare (Naveen Parti), situated in Village Gauriya Nain, Tehsil Harraiya, District Basti, within stipulated period of time as fixed by this Hon'ble Court."

3. Learned counsel for the petitioner submitted that in view of the entry of the plot in question, the authorities be directed to take steps for removal of encroachment from the plot in question.

4. This Court directed the learned Standing Counsel and learned counsel for the Gaon Sabha to obtain instruction in the matter.

5. In compliance of the order of this Court, instruction dated 9.1.2026 sent by Sub-Divisional Officer, Harraiya, Basti is taken on record.

6. Learned Standing Counsel on the basis of instruction dated 9.1.2026 submitted that three cases have been registered against the persons who

have been found in possession over the plot no.53. He further submitted that the authorities shall take proper steps after disposal of the aforementioned cases. The particulars of the three cases are as under:

"Case Nos.T202517140120262 (Gaon Sabha vs. Naan), T202517140120263 (Gaon Sabha vs. Raj Kumar) & Case No.T202517140120264 (Gaon Sabha vs. Ramdhani), under Section 67 of U.P. Revenue Code, 2006"

7. Learned counsel appearing for the private respondent submitted that the private respondents are not in illegal possession and the instant public interest litigation has not been filed with correct averment.

8. Considering the entire facts and circumstances of the case, the instant public interest litigation is finally disposed of directing the respondent no.4/ Tahsildar, Tahsil- Harraiya, District- Basti to decide the aforementioned Case Nos.T202517140120262 (Gaon Sabha vs. Naan), T202517140120263 (Gaon Sabha vs. Raj Kumar) & Case No.T202517140120264 (Gaon Sabha vs. Ramdhani), under Section 67 of U.P. Revenue Code, 2006 in accordance with law after affording proper opportunity of hearing to the parties, expeditiously.

(Chandra Kumar Rai,J.)

January 29, 2026

Rameez