



2026:AHC:568

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 2238 of 2025

Abhorik Singh Yadav

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Aradhana Singh, Birendra Kumar Yadav, Lal Behari Yadav
Counsel for Respondent(s)	: C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner and Mr Anjani Kumar Chaurasia, learned Additional Chief Standing Counsel for the State-respondents.

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

(i) Issue a writ, order or direction in the nature of SALE mandamus commanding and directing to the respondent no.2/Tehsildar Judicial, Tehsil-hammadabad, District-Ghazipur to decide the case No.5689 of 2025 Computer Case No. 1202514290205689 (Gaon Sabha Vs. Shivmurat Yadav), under section 67(1) U.P. Revenue Code 2006 pending before him till date with in stipulated period of time.

(ii). Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents concerned to remove the illegal encroachment of Naveen Parti Gata No.12 area 0.0830 Hectare situated in Village Hainsi, P.S. Nonlara, Pargaria and Tehsil-Mohammadabad, District-Ghazipur which was illegally encroached by the respondent no.3.

3. In compliance of the order of this Court, personal affidavit has been filed by the state, which has been taken on record.

4. Learned counsel for the petitioner submitted that against the order of ejectment and damages passed by Tahsildar against the

private respondent No.3, appeal under section 67 (5) of U.P. Revenue Code 2006 is pending. He submitted that no interim order is operating in the appeal as such authorities be directed to take steps for removal of encroachment from the plot in question.

5. I have considered arguments advanced by learned counsel for the petitioners and perused the record.

6. There is no dispute about the fact that against the order for ejectment and damages passed by Tahsildar against respondent No.3, an appeal under section 67 (5) of U.P. Revenue Code 2006 is pending.

7. Under para-460 of U.P. Revenue Court Manual, procedure has been prescribed for implementation/ execution of the order passed in the proceeding under Section 67 of U.P. Revenue Code, 2006, as such instant public interest litigation cannot be entertained for implementation/ execution of the orders passed under Section-67 of U.P. Revenue Code, 2006.

8. Considering the entire facts and circumstances of the Case, **the instant public interest litigation is dismissed** with observation that proper proceeding for implementation/ execution of the final order passed under Section 67 of U.P. Revenue Code, 2006 as prescribed under para 460 of the U.P. Revenue Court Manual can be initiated in accordance with law.

January 5, 2026
PS*

(Chandra Kumar Rai,J.)