



2026:AHC:1360

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 2876 of 2025

Rajesh Chauhan

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	: R.B.Pal, Umesh Kumar Pal
Counsel for Respondent(s)	: Bhupendra Kumar Tripathi, C.S.C., Sudhir Bharti

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Pankaj Kumar, learned standing counsel for the state-respondents and Sri Bhupendra Kumar Tripathi, learned counsel for the respondent-gaon sabha.
2. The instant public interest litigation has been filed for the following reliefs:-

"(a). Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to 4 to remove the illegal encroachment/construction made by the respondent no. 6 to 10 over the Arazi No. 533 area 0.0730 hectare, which is recorded as play ground in revenue records situated at Village- Sarwar Nagar, Pargana & Tehsil- Saidpur, District- Ghazipur.

(b). Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to 4 to decide the representations of the petitioner regarding illegal encroachment/construction made by the respondent no. 6 to 10 over the Arazi No. 533 area 0.0730 hectare, which is recorded as play ground in revenue record situated at Village- Sarwar Nagar, Pargana & Tehsil- Saidpur, District- Ghazipur and to take legal action against the respondent no. 6 to 10."

3. On 25.9.2025, following order was passed by this Court:-

"Learned Standing Counsel to obtain instructions in the matter on the following aspects:

I. Whether there is a prima facie encroachment over the pond/public land?

II. Whether the proceedings for vacation of such encroachment under the appropriate provisions of the UP Revenue Code have been instituted by the competent authority?

III. Whether the encroachers have been noticed in the aforesaid proceedings?

IV. Whether any survey of the encroached land has been carried out by the authorities as per the best available cartographic technique after noticing the private respondents?

V. Copy of the ordersheet depicting the status of the proceedings.

Put up this matter on 25.11.2025 in the list of fresh cases."

4. In compliance of the order dated 25.9.2025, instruction dated 5.1.2026, sent by the Tehsildar, Saidpur, Ghazipur is taken on record.

5. Learned standing counsel is directed to serve a copy of the instruction upon the counsel for the petitioner during the course of the day.

6. Learned standing counsel on the basis of the instruction submitted that two cases under Section 67 of the U.P. Revenue Code, 2006 has been registered against the private respondent nos. 6 to 10 in respect to plot no.533 as Case Nos.T201814290400536 and T202514290411527. He submitted that next date fixed in the aforementioned proceeding is 9.1.2026 and after disposal of the aforementioned proceedings, appropriate steps shall be taken by the

authorities in accordance with law.

7. In reply, counsel for the petitioner submitted that appropriate direction be issued for the expeditious disposal of the aforementioned cases under Section 67 of the U.P. Revenue Code, 2006 within a time bound period.

8. I have considered the arguments advanced by learned counsel for the parties and perused the records.

9. There is no dispute about the fact that the proceeding under Section 67 of the U.P. Revenue Code, 2006 has been registered against private respondent nos. 6 to 10.

10. 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, Saidpur, Ghazipur to decide the aforesaid proceedings under Section 67 of the U.P. Revenue Code, 2006 to its logical conclusion, expeditiously, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

January 6, 2026
C.Prakash

(Chandra Kumar Rai,J.)