



2026:AHC:17091

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 3204 of 2025

Harish Chandra Nishad

.....Petitioner(s)

Versus

State Of U.P. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mamta Tiwari, Vivek Kumar Tiwari
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Ms. Mamta Tiwari, learned counsel for the petitioner, Mr. Awadhesh Kumar Patel, learned standing counsel for the state-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent-gaon sabha.

2. The instant Public Interest Litigation (P.I.L.) has been filed for the following relief:-

"Issue a writ, order or direction in the nature of mandamus, commanding the respondent nos. 3 & 4 to remove the illegal encroachment over arazi no.383, area 0.0420 hect., situated at village Sadanpur, Pargana Rari, Tehsil Sadar, District Jaunpur."

3. Counsel for the petitioner submitted that in spite of the final order passed by the Tehsildar on 29.4.2024 for ejectment and damages in respect to plot in question, the order has not been given effect on the spot. She submitted that appropriate direction be issued for removal of illegal encroachment from the plot in question in pursuance of the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006.

4. Instruction dated 11.11.2025 sent by the S.D.O., Sadar, Jaunpur is taken on record.

5. Learned standing counsel on the basis of the instruction dated 11.11.2025 submitted that restoration application filed by the private respondents against the order of ejectment and damages is pending before the Tehsildar. He further submitted that the illegal construction of the wall over the plot in question has been removed by the authorities in pursuance of the order of the ejectment and damages passed by the Tehsildar on 29.4.2024.

6. Counsel for the petitioner submitted that encroachment is still existing over

the plot in question.

7. Learned standing counsel and the counsel for the gaon sabha submitted that the instant public interest litigation for implementation of the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006 is not maintainable. He also submitted that restoration application pending before the Tehsildar, shall be decided expeditiously in accordance with law.

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 order for ejectment and damages has been passed by the Tehsildar in respect to the plot in question on 29.4.2024. There is also no dispute about the fact that restoration application against the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006 is pending before the Tehsildar.

10. For execution of the order passed under Section 67 of the U.P. Revenue Code, 2006, remedy is provided under paragraph 460 of the U.P. Revenue Court Manual, as such, the instant P.I.L. cannot be maintained for implementation of the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006.

11. So far as the pending restoration application is concerned, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no. 4/Tehsildar, Sadar, Jaunpur to decide the Restoration Case No.T202514360409580, expeditiously, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

January 22, 2026
C.Prakash

(Chandra Kumar Rai,J.)