



2026:AHC:3732

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2667 of 2025

Ravindra Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Kapil Dev Dubey, Pratikdhar
Dwivedi, Rahul Kumar
Counsel for Respondent(s) : C.S.C., Kaushal Kishore Mani,
Mahendra Kumar Sharma

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents, Mr. Mahendra Kumar Sharma, learned counsel for the private respondents and Mr. Kaushal Kishor Mani, learned counsel for Land Management Committee.

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

“A. Issue a writ order or direction in the nature of mandamus commanding and directing to the respondents authorities to conclude the grievances of the petitioner and decided the representation of the present petitioner in the interest of large public Domain and to direct to the respondents authorities to remove illegal encroachment of respondent no 05 in khasra (gata) no 291, which is path to temple situated in gata no 292, in time bound manner.”

3. Learned counsel for the petitioner submitted that respondent No. 5 is not permitting the villagers of the village to go the temple which

is situated in plot no. 292. He further submitted that plot no. 291 is recorded as banjar and villagers are using the plot no. 291 to go to the temple situated in plot no. 292. He submitted that proper direction be issued to the authorities to take steps for removal of illegal encroachment of respondent No.5 in respect to the plot No.291.

4. Learned counsel for respondent no.5 submitted that proper lease was executed in favour of respondent no.5 and the instant public interest litigation has been filed with mala fide intention, as such the same should be dismissed. He further submitted that unless lease executed in favour of petitioner is cancelled, the instant public interest litigation cannot be entertained.

5. Learned Standing Counsel for the state-respondent on the basis of the counter affidavit filed in the instant public interest litigation submitted that proper proposal dated 15.9.2002 was made by Land Management Committee, which was approved by Sub Divisional Officer, Kairana, Shamli on 30.06.2003. He further submitted that residential allotment was made in favour of Srichand s/o Aashram and Devi s/o Jhhandu. He further submitted that allotment for resident purpose was made in favour of Jagdish s/o Balla and Om Prakash s/o Balla. He submitted that unless lease execution in favour of lease holder is cancelled in accordance with law no action can be taken by the authority for removal of encroachment from the plot in question.

6. Learned counsel for the petitioner submitted that entire area of plot no. 291 has not been allotted to the private respondent as

such prayer made in instant public interest litigation should be allowed.

7. I have considered arguments advanced by learned counsel for the parties and perused the record.

8. There is also no dispute about the fact that plot no. 292 is recorded as temple in the revenue record and plot no. 291 is recorded as banjar.

9. It is material to mention that private respondent along with others were allotted lease for residential purpose by the Land Management Committee which was approved by Sub Divisional Officer as such unless the lease is cancelled in accordance with law, the public interest litigation cannot be entertained for removal of encroachment from the plot which was allotted to the lease holder in accordance with law.

10. Paragraph Nos. 3 and 4 of the counter affidavit filed by State will be relevant for perusal, which are as under:-

"3. That before giving parawise reply to the contents of the well petition it is submitted that in the present Khatauni of village Singra Pargana Bidoli Tehsil Karana District Shami the land of Khasra No.292 area 0.0200 hectare is recorded as "Mandir" in category 6(2). On the spot, the "Gram Devata" (Bhumiyaj is made in the Khasra No.292. No route is marked in the land map to reach the temple/Mandir of Khasra no 292 area 0.0200 hectare. On the spot. the villagers go to the Gram Devata in question througho Kutcha road through Khasra no 293 private land.

4. That, in the present Khatauni of village Singra, Khasra no.290 area 0.0410 hectare is recorded as Abadi and the Khasra no 291 with an area 0.0510 hectare is recorded as "Banjar". On the spot. in Khasra nos.290 and 291, the Abadi of opposite party no.5 Omprakash son of Ballia and other villagers were made. With regard to Khasra no.291 area 0.0510 hectare (Banjar) on the proposal dated 15.09.2002 of the Land Management Committee, which was approved by the Sub-Divisional Magistrate, Karana, dated 30.06.2003, the residential allotment was made in favour of Srighand Sio Aastram and Devi 5/0 Jhandu and on the basis of proposal dated 27.02.2003 of the Land Management Committee, which was approved by the Sub-Divisional Magistrate, Kairana dated 28.02.2003, the residential allotment was made in favour of Jagdish 5/0 Balla and Om Prakash S/o Balla. As such, the residential allotment pertaining to the said Khasra No.291 (Banjar) was allotted to four persons. There is abadi on the spot in Khasra No.291 (Banjar). The petitioner wants that the Abadi of allottees on Khasra No.291 should be removed and a path should be provided to reach the Gram Devata (Bhumiya). As per the revenue records, there is no Rasta/path through Khasra No.291 (Banjar).

For kind perusal of this Hon'ble Court, copy of the extract of Khataunies are being annexed herewith and marked as Annexure No.CA-1 to this Affidavit."

11. Considering the entire facts and circumstances of the case as well as the facts mentioned in the instruction as mentioned above,

no interference is required in the matter and the **instant public interest litigation is dismissed accordingly.**

January 5, 2026

PS*

(Chandra Kumar Rai,J.)