



2026:AHC:16988

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3053 of 2025

Ajay Kumar Patel

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamlesh Kumar Singh, Vivek Kushwaha
Counsel for Respondent(s)	:	Azad Rai, C.S.C., Vijai Shanker Tripathi, Vinod Shankar Tripathi

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Rajesh Kumar Tiwari, learned Addl. C.S.C. for the state-respondents, Sri Vijai Shanker Tripathi, learned counsel for the private respondents and Sri Azad Rai, learned counsel for the respondent-gaon sabha.

2. The instant writ petition has been filed for the following reliefs:-

"A. Issue a writ, order or direction in the nature of writ of mandamus, directing the respondent nos. 2, 3 and 4 to remove the illegal encroachment over Arazi No.675, area 0.0060 hectare and Arazi No. 675 area 0.1750 which are recorded in revenue records as "Banjar and Charagah" respectively and may also be directed to the respondent nos. 2, 3 and 4 to restore back the original position of the Banjar and Charagah'.

B. Issue a writ, order or direction in the nature of mandamus, directing the respondent authorities to decide the representation dated 26.08.2025 moved by the petitioner."

3. Counsel for the petitioner states that plot in question are recorded as *banjar* and *charagah* in the revenue records and the private respondents are in illegal possession of the same, as such, authorities be directed to take appropriate steps for eviction of unauthorized occupants from the plot in question.

4. Instruction dated 25.10.2025, sent by the S.D.O., Phulpur, Prayagraj is taken on record.

5. Sri Rajesh Kumar Tiwari, learned Addl. C.S.C. on the basis of instruction dated 25.10.2025 submitted that plot no. 675 is divided in two parts, out of

which, 0.0060 hect. area is recorded as *banjar* and 0.1750 hect. area is recorded as *charagah*. He submitted that the revenue team constituted for the purpose, has demarcated the plot in question and illegal encroachment has been found over *charagah* land, thereafter, proceedings under Section 67 of the U.P. Revenue Code, 2006 has been registered against the persons who have been found in illegal possession of the same as Case Nos. T202502030219735, T202502030219737 and T202502030219739. He further submitted that no encroachment has been found over *banjar* land. He also submitted that proceeding under Section 122-B of the U.P. Z.A. & L.R. Act is pending before the Tehsildar since 2007 as Case No.209/267/561 of 2007. He submitted that after disposal of the pending proceedings, appropriate action shall be taken by the authorities.

6. Learned counsel for the private respondents submitted that the instant petition has not been filed in public interest, as such, the same should not be entertained. He submitted that the proceeding under Section 67 of the U.P. Revenue Code, 2006 and the proceeding under Section 122-B of the U.P. Z.A. & L.R. Act have been initiated in illegal and arbitrary manner.

7. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this public interest litigation is disposed of with the direction to respondent no.4/Tehsildar, Phoolpur, Prayagraj to decide the aforesaid proceedings under Section 67 of the U.P. Revenue Code, 2006 and 122-B of the U.P. Z.A. & L.R. Act, to its logical conclusion, expeditiously, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

January 22, 2026
C.Prakash

(Chandra Kumar Rai,J.)