



2026:AHC:19281

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3006 of 2025

Abdul Khalique

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bakhteyar Yusuf
Counsel for Respondent(s)	:	Arun Kumar Pandey, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

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

"I. Issue a writ, order or direction in the nature of mandamus, commanding and directing the respondent authorities to remove the illegal encroachment made by respondent no.6, upon Khasra No. 151, recorded as Khel Ka Maidan (Class 6-4) Gaon Sabha land.

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to comply the orders of dispossession which have been passed earlier.

III. Issue a writ, order or direction in the nature mandamus commanding and directing the respondent authorities to consider and decide the representation of the petitioner dated 22.03.2025, expeditiously, within an stipulated period as fixed by this Hon'ble Court."

2. The averment has been made in the instant petition that an order for ejectment and damages has been passed by the Tehsildar in the proceeding under Section 122-B of the U.P. Z.A. & L.R. Act which has been maintained while rejecting the restoration application filed against the order of ejectment and damages. The prayer has been made for removal of encroachment as well as for compliance of the

order passed under Section 122-B of the U.P. Z.A. & L.R. Act.

3. Learned standing counsel and the counsel for the gaon sabha submitted that the instant public interest litigation for implementation/execution of the order passed in the proceeding under Section 122-B of the U.P. Z.A. & L.R. Act and 67 of the U.P. Revenue Code, 2006 is not maintainable.

4. I have considered the arguments and perused the records.

5. 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 in the proceeding under Section 122-B of the U.P. Z.A. & L.R. Act and the restoration application has also been dismissed filed against the order for ejectment and damages.

6. For execution of the order passed under Section 67 of the U.P. Revenue Code, 2006, which was earlier Section 122-B of the U.P. Z.A. & L.R. Act, 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/execution of the order passed in the proceeding under Section 122-B of the U.P. Z.A. & L.R. Act now Section 67 of the U.P. Revenue Code, 2006.

7. The P.I.L. is accordingly dismissed with observation that proper proceeding can be initiated according to the provision contained under Para 460 of the U.P. Revenue Court Manual in accordance with law.

(Chandra Kumar Rai,J.)

January 28, 2026

C.Prakash