



2026:AH:368

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2934 of 2025

Faiyaj Khan And Another

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pramod Kumar Sinha
Counsel for Respondent(s)	:	Arun Kumar Pandey, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Pramod Kumar Sihna, learned counsel for petitioners, Sri M.N. Mishra, learned Additional Chief Standing Counsel for the State and Sri Arun Kumar Pandey, learned Counsel for the Gaon Sabha.

2. The instant public interest litigation has been filed for the following reliefs:-

"i. issue a writ order or direction in the nature of Mandamus commanding the respondent nos. 1 & 5 to ensure that the nature of Gata No. 708 Area 0.035 recorded as Rasta in Khatauni of Village Revdi Kalan Tahsil Sahabad, District Rampur may not be changed by raising constructions over there or otherwise.

ii. issue a writ order or direction in the nature of Mandamus commanding the respondent no. 2 to consider the grievances of the petitioners ventilated in the representation dated 05.08.2025 and pass a reasoned and speaking order within stipulated period as fixed by this Hon'ble Court.

iii. issue any other suitable writ, order of direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

iv. To award the cost of the present writ petition in favour of the petitioners."

3. This Court directed the learned counsel for the State and Gaon Sabha to obtain instructions

4. In compliance of the order passed by this Court, instruction dated 13.10.2025 sent by Sub-Divisional Officer, Shahbad, Rampur is taken on record.
5. Sri M.N. Mishra, learned Additional Chief Standing Counsel for the State is directed to serve a copy of the instruction to learned counsel for the petitioner.
6. Sri M.N. Mishra, learned Additional Chief Standing Counsel for the State on the basis of instructions submitted that in compliance of the order dated 13.12.2024 passed in Case No. 2934 of 2025, the encroachment over the plot in question has been removed. He further submitted that at present there is no encroachment over the plot in question. He next submitted that a report has been submitted by the authorities stating that there is no proposal for construction of any building or park over the plot in question.
7. I have considered the arguments advanced by the learned counsel for the parties and perused the record.
8. In order to appreciate the controversy involved in the matter perusal of the report dated 17.10.2025 sent by the authorities/ as approved by the Sub Divisional Magistrate, will be relevant, which is as under :-

"महोदय,

संलग्न प्रार्थनापत्र फय्याज खां पुत्र अकीर हसन खां नि० ग्राम रेवड़ी कलां, तहसील-शाहबाद, जिला-रामपुर द्वारा श्रीमान् जिलाधिकारी महोदय रामपुर को दिए प्रार्थना में ग्राम-रेवड़ी कलां की गाटा सं० 708 रकबा 0.035 हे० जोकि रास्ते के रूप में दर्ज है पर कोई निर्माण न किए जाए के संबंध में दिया गया है जिसकी स्थलीय जाँच आख्या निम्नवत् है।

उक्त के संबंध में अवगत कराना है कि राजस्व ग्राम-रेवड़ी कलां, तहसील-शाहबाद, जिला रामपुर की गाटा सं० 708 रकबा 0.035 हे० जो कि राजस्व अभिलेखों में रास्ता दर्ज है। उक्त गाटा संख्या के आंशिक भाग 0.0154 हे० पर एहसान अली व अख्तर अली पुत्रगण शहजादे नि० ग्राम द्वारा अवैध रूप से दुकानें बना ली गई थी जिसको न्यायालय तहसीलदार शाहबाद के वाद संख्या-T202313590501507 के आदेश दिनांक 13/12/2024 के अनुपालन में 19/05/2025 को अवैध रूप से बनी हुई दुकानों को राजस्व टीम व पुलिस बल की उपस्थिति में रास्ते की भूमि को अवैध कब्जा मुक्त करा दिया गया था। वर्तमान में स्थल पर रास्ते की भूमि पर कोई अतिक्रमण नहीं है। न ही रास्ते की भूमि पर कोई भवन या पार्क प्रस्तावित नहीं है। आख्या सादर सेवा में प्रेषित है।

महोदय,

लेखपाल आख्या सादर सेवा में प्रेषित है।"

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Seen.

ह0-(SDM)

17.10.25

9. Perusal of the report dated 17.10.2025 sent by the authorities as quoted above fully demonstrates that there is no encroachment at present over the plot in question and there is no proposal for construction of any building or park over the plot in question, as such no further order is required in the matter.

10. The instant public interest litigation is accordingly ***disposed of***.

(Chandra Kumar Rai,J.)

January 5, 2026

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