



2026:AHC:3603

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 2481 of 2025

Brijesh Rai

.....Petitioner(s)

Versus

The State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ajay Kumar, Satya Prakash Singh
Counsel for Respondent(s)	: C.S.C., Prashant Kumar Tripathi, Prem Narayan Rai, Rameshwar Prasad Shukla

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr Anjani Kumar Chaurasiya, learned Additional Chief Standing Council for the State-respondents, Mr Prashant Kumar Tripathi, learned counsel for private respondent and Mr Rameshwar Prasad Shukla, learned counsel for gaon Sabha.

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

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 made by the respondent nos. 6 and 7 over the plot nos. 65/270 area 0.2230 hectare, which are recorded in revenue record as, Pokhari (small GH COUP pond) situated in village- Jaminisarpar, Pargana-Nizamabad, Tehsil-Nizamabad, District-Azmagarh.

B. Issue a writ, order or direction in the nature of MANDAMUS directing the respondent nos. 2, 3...and 4 to restore back the original position of the plot nos. 65/270 area 0.2230 hectare,

which are recorded in revenue record as, Pokhari (small pond) situated in village- Jaminisarpar, Pargana-Nizamabad, Tehsil-Nizamabad, District-Azamgarh.

C. Issue a writ, order or direction in the nature of MANDAMUS directing and commanding the respondent no.4 to conclude and decide the case No. 4895 of 2023 (Computerized Case No. T20231506020895) (State Vs. Akhilesh, Umesh) under section 67 of U.P. Revenue Code, 2006 pending before him, expeditiously within stipulated period as fixed by this Hon'ble Court”

3. Learned counsel for the petitioner submitted that plot in question is recorded in the revenue record as Pokhari. He further submitted that during pendency of the instant public interest litigation, proceeding under section 67 of U.P. Revenue Code 2006 has been finally decided against the private respondent Nos.6 and 7 for ejectment and damages on 8.10.2025. He further submitted that appeal under section 67 (5) of U.P. Revenue Code, 2006 filed by respondent nos. 6 and 7 is pending before Collector Azamgarh. He submitted that proper direction be issued for removal of encroachment from the plot in question in pursuance of the order of ejectment and damages passed by Tehsildar.

4. I have considered arguments advanced by learner counsel for the petitioner and perused the record.

5. There is no dispute about the fact that against the order for ejectment and damages passed by Tehsildar against respondent nos. 6 and 7 on 8.10.25, an appeal under section 67 (5) of U.P. Revenue Code 2006 is pending before Collector Azamgarh.

7. Under para-460 of U.P. Revenue Court Manual, procedure has

been prescribed for implementation/ execution of the order passed in the proceeding under Section 67 of U.P. Revenue Code, 2006, as such instant public interest litigation cannot be entertained for implementation/ execution of the orders passed under Section-67 of U.P. Revenue Code, 2006.

8. Considering the entire facts and circumstances of the Case, **the instant public interest litigation is dismissed** with observation that proper proceeding for implementation/ execution of the final order as prescribed under para 460 of the U.P. Revenue Court Manual can be initiated in accordance with law.

(Chandra Kumar Rai,J.)

January 5, 2026

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