



2026:AHC:21785

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2901 of 2025

Chhotelal Gupta

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Shyam Shankar Mishra

Counsel for Respondent(s) : Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Shashi Kant Mishra, learned counsel holding the brief of Mr. Shyam Shankar Mishra, learned counsel for the petitioner, Mr. Om Anand, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for gaon sabha.

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

"(i). Issue an order or direction; in the nature of Mandamus commanding the respondents to comply with the order dated 28.03.2024 and remove the encroachment over the pond land having Arazi No.336/1.041hect. affected area 0.012hect. situated at village Barahata Karaudi, Pargana Ghisua, Tehsil Machhalishahr, District Jaunpur in the interest of public at a large, otherwise public at a large may suffer irreparable loss and injury.

(ii). Issue an order or direction; in the nature of Mandamus commanding the respondents authority to decide the representation of the petitioner dated 05.09.2024 within stipulated period."

3. In compliance of the order of this Court dated 19.9.2025, instruction dated 13.10.2025 sent by Sub Divisional Officer,

Jaunpur is taken on record.

4. Mr. Om Anand, learned Standing Counsel for the State-respondents on the basis of the instruction submitted that plot in question is recorded as Pond in the revenue record and proceeding under Section 67 of U.P.Revenue case has been initiated as Case No. T2019143603024441 against the private respondents, who have been found in illegal encroachment over the same, which is pending before Tehsildar. He further submitted that order for eviction and damages was passed by Tehsildar on 28.3.2024 but against the order dated 28.3.2024 for ejectment and damages passed by Tehsildar, restoration application filed by the private respondents has been allowed and proceeding under Section 67 of U.P.Revenue Code, 2006 has been restored to its original number vide order dated 6.10.2025. He further placed the order dated 6.10.2025 passed by Tehsildar, which is annexed along with instruction dated 13.10.2025.

5. Since the order for eviction and damages dated 28.3.2024 has been recalled and at present there is no order for eviction and damages against anybody, as such no cause of action survives in the matter.

6. The instant public interest litigation is disposed of finally with the observation that pending proceeding of Case No. T2019143603024441 under Section 67 of U.P. Revenue code, 2006 shall be decided by respondent No.4/Tehsildar, expeditiously in accordance with law after affording opportunity of hearing to the parties.

January 30, 2026

PS*sd

(Chandra Kumar Rai,J.)