



2026:AHC:4249

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3523 of 2025

Ankit Kumar

.....Petitioner(s)

Versus

State Of U.P. And 12 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Tiwari
Counsel for Respondent(s)	:	C.S.C., Kaushal Kishore Mani

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Learned counsel for the petitioner is permitted to implead- Additional District Magistrate (Judicial), Kushinagar as respondent no.14 in the array of the parties to the instant public interest litigation.

2. Heard Mr. Anil Kumar Tiwari, learned counsel for the petitioner, Mr. Hari Mohan Srivastava, learned Additional Chief Standing Counsel for the State-resopndents and Mr. Kaushal Kishore Mani, learned counsel for the respondent- Gaon Sabha.

3. The instant petition has been filed for the following reliefs:

"i. to issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to remove the illegal encroachment and evict the possession made by the private respondent nos.5 to 13 over the land of pond situated at Village- Sikandarpur Pargana, Bhokarhedi, Tahsil- Jansath, District- Muzaffarnagar.

ii. to issue a writ, order or direction in the nature of mandamus restraining the respondent nos.5 to 13 from interfering into flowing of the domestic as well as rain water into the pond situated in Khasra no.571 (old Khasra no.1264) at Village- Jansath, District- Muzaffarnagar."

4. Learned counsel for the petitioner submitted that the entry of the plot in question should be corrected forthwith. He further submitted that the proceeding under Section 128 of U.P. Revenue Code, 2006 has already been initiated for cancellation of lease illegally executed in respect to

Khasra No.1264. He placed the certified copy of the application filed under Section 128 of U.P. Revenue Code, 2006, which is taken on record. He further submitted that the proceeding under Section 128 of U.P. Revenue Code, 2006 has been registered as Case No.D202509550004418 (Jai Singh and others vs. Atar Singh and others). He further submitted that appropriate direction be issued for recording the plot in question as pond.

5. I have considered the argument advanced by learned counsel for the petitioner and perused the records.

6. There is no dispute about the fact that the proceeding for cancellation under Section 128 of U.P. Revenue Code, 2006 has already been initiated by the petitioner along with others which is pending before the Additional District Magistrate (Judicial), Kushinagar as Case No.D202509550004418 (Jai Singh and others vs. Atar Singh and others), under Section 128 of U.P. Revenue Code, 2006.

7. In view of the pendency of the proceeding under Section 128 of U.P. Revenue Code, 2006, the instant public interest litigation for correction of the revenue entry cannot be entertained.

8. Considering the facts and circumstances of the case, the instant public interest litigation is finally disposed of directing respondent no.14/ Additional District Magistrate (Judicial), Kushinagar to decide the Case No.D202509550004418 (Jai Singh and others vs. Atar Singh and others), under Section 128 of U.P. Revenue Code, 2006 in accordance with law after affording proper opportunity of hearing to the parties, expeditiously.

(Chandra Kumar Rai,J.)

January 8, 2026

Rameez