



2026:AHC:35325

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - C No. - 6277 of 2026

Ashok Kumar Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Khurshed Alam
Counsel for Respondent(s)	:	C.S.C., Sudhir Bharti

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has earlier approached this Court by filing Public Interest Litigation (PIL) No.1620 of 2023 (Ashok Kumar Yadav Vs. State of U.P.and others) which was disposed of by a Co-ordinate Bench of this Court vide order dated 04.04.2024. The aforesaid order reads as follows:-

- 1. Heard learned Counsel for the parties and perused the record.*
- 2. The instant Public Interest Litigation has been filed for the following relief :*

"i) Issue order or direction in the nature of mandamus commanding the Respondent No.2 to remove the unauthorized encroachment by the Respondent No.4 over the 'Navin Parti' from the Arazi No.155(Mi) area 0.210 Hectare situated in Village - Mishrauli, P.S. - Ahirauli, Tehsil - Hata, District - Kushinagar.

ii) Issue writ, order or direction in the nature of Mandamus commanding the Respondent No.2 to decide the Representation dated 15.04.2023 (Annexure No.4), to the Writ Petition."

3. By order dated 13.10.2023, the concerned Tehsildar was directed to decide the Case Nos. T202305440205116 and T202305440205117, u/s 67 of the U.P. Revenue Code, 2006.

4. Since the matter is pending, I am not inclined to interfere in the matter and it is expected that the matter will be decided, in accordance with law.

5. With the aforesaid observations, the Public Interest Litigation stands disposed of.

2. It is argued by learned counsel for the petitioner that more than 18 months have already been lapsed but in place of taking final decision in the matter, respondent No.2/Assistant Collector/Tehsildar, Tehsil Hata District KushiNagar is only fixing dates after dates. Hence the petitioner is compelled to file the present petition.

3. Heard learned counsel for the parties and perused the record.

4. From perusal of the record, it is clear that in the earlier P.I.L. filed by the petitioner, a direction was given by this Court to the respondent No.2 to decide the matter in accordance with law vide order dated 04.04.2024. A complete procedure has already been given under Sub Rule (6) of Rule 67 of U.P. Revenue Code Rules, 2006 according to which proceedings initiated under Section 67 of U.P. Revenue Code, 2006 would be concluded within 90 days from the date of issuance of show cause notice. If the proceedings would not be concluded within such period, the reason for the same shall be recorded.

5. Insofar as the present case is concerned, the proceedings is pending before the respondent No.2 since 2023 and no reason whatsoever has been recorded in the order-sheet after expiry of 90 days from the date of issuance of notice.

6. In this view of the matter, respondent No.2/Assistant Collector/Tehsildar, Tehsil Hata District Kushi Nagar is directed to file his personal affidavit explaining the reason that why the contempt proceedings should not be drawn against him on the next date of listing, i.e., on 26.02.2026.

7. Put up as fresh on 26.02.2026. It is made clear that the matter will be taken up at 10:00 a.m.

(Prakash Padia,J.)

February 17, 2026

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