



2026:AHC:54075

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 2272 of 2025

Chandrej Chanchal Singh

.....Petitioner(s)

Versus

State Of U.P. And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Pankaj Kumar Singh, Suresh Chandra Dwivedi
Counsel for Respondent(s)	: Ashish Kumar Mishra, Bhupendra Kumar Tripathi, C.S.C., Triloki Nath

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Ashish Kumar Mishra, learned counsel for private respondents, Mr. M.N. Mishra, learned Addl. C.S.C. for the state-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent-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 certiorari to quash impugned order dated 11.07.2025 passed by Sub Divisional Magistrate, Revenue and Disaster Department which contained as ANNEXURE NO.1 to this petition)

(ii) Issue a writ order or direction in the nature of Mandamus Commanding / Directing the respondents to forthwith implement the final eviction orders dated 16.06.2025 and 02.03.2024, passed under Section 67 of the U.P. Revenue Code, 2006, and take immediate steps to remove the unauthorized encroachments from Arazi Nos. 26, 27, 28, 29, 47/1, and 47/2 situated at Village Bazar Kalika, Tehsil Raja Talab, District Varanasi, U.P.;

(iii) Issue a writ order or direction in the nature of Mandamus Commanding / Directing the respondent authorities to take immediate remedial and preventive measures to restore Arazi No. 28 (public pond) and other public utility lands to their original and intended public use, and to ensure their

protection from future encroachments and further prayed to initiate appropriate disciplinary action against the officials responsible for non-compliance with final judicial orders and for failing to act despite repeated representations made by the petitioner and ongoing public harm;

3. On 27.8.2025, following order was passed by this Court:-

In compliance with the order dated 22.08.2025, the Collector, Varanasi has filed his own affidavit, where, in paragraph Nos. 14 to 17, it is averred :

14-That as specified under Section 67 of the U.P. Revenue Code, 2006, earlier the Tehsildar, Raja Talab, Varanasi has passed the eviction order against 40 persons, which are being enforced at present. Apart from it, it is to be submitted that against the eviction orders passed by the Tehsildar under Section 67(1) of the U.P. Revenue Code, 2006, three appeals were filed before the Collector/District Magistrate, Varanasi under Section 67(5) of the U.P. Revenue Code, 2006, whereby two appeal have been rejected on 16.05.2025, 21.07.2025 and one was rejected on 21.07.2025 and one appeal No.D202514700004395 was rejected by the Additional District Magistrate (Protocol) vide order dated 21.07.2025 (Four Appeals). Further, 24 Restoration Applications were filed in the Court of Tehsildar out of which 22 cases have already been rejected. It is further stated that 12 persons have not filed appeal nor Restoration Application against the eviction orders dated 02.03.2024, 02.04.2024 and 20.12.2023.

It is further submitted that with regard to Arazi No.25Mi. Area 0.121 Hectare, Arazi No.25Mi. Area 0.170 Hectare, total 0.291 Hectare, is recorded as 'Bhita', the Restoration Application is pending before the Tehsildar, bearing Nos.T202514700311383, Girija and Kailash v. Gaon Sabha, in which the next date is fixed for 27.08.2025 and with regard to Arazi No.27 Area 0.761 Hectare is recorded in the revenue record as 'Bhita', however,

the Restoration Application No. T202514700316178, Rajkumar v. Gaon Sabh has been filed before the Tehsildar, in which the next date of hearing is fixed for 28.08.2025. True copy of the chart is being filed herewith giving details of 40 cases, is being filed herewith and marked as ANNEXURE NO.PA.6 to this Personal Affidavit.

15- That it is noteworthy to mention here that Arazis, situate in Village-Bazar Kalika, Pargana-Kaswar, Raja, Tehsil-Raja Talab, District-Varanasi, bearing Arazi No.Mi.25 Area 0.121 Hectare, Arazi No.Mi.25 Area 0.170 Hectare, total Area 0.291 Hectare, is the land of 'Bhita' and Arazi No.Mi.26 Area 0.004 Hectare, Arazi No.Mi.26 Area 0.003 Hectare, Arazi No.Mi.28 Area 0.016 Hectare, Arazi No.Mi.26 Area 0.050 Hectare, Arazi No.Mi.26 Area 0.007 Hectare, Arazi No.Mi.26 Area 0.005 Hectare, total Area 0.0850 Hectare are the lands of 'Bhita' and Arazi No.Mi.27 Area 0.579 Hectare, Arazi No.Mi.27 Area 0.182 Hectare, total Area 0.761 Hectare, are the land of 'Bhita, Arazi No.29 Area 0.3520 Hectare is Bhita, and Arazi No.28 Area 0.700 Hectare is 'Pokhari and Arazi No.47/1 Area 0.016 Hectare, Arazi No.47/2 Area 0.012 Hectare are recoded as 'Gadaha. Arazi Nos.47/1 and 47/2 are not in the form of Gadaha and are flat and the vacant on the spot. Arazi No.28 Area 0.700 Hectare, which at present is recorded as the land of Shreni 6(1), is recorded as 'Jalmagna (Pokhara). On the spot, on the part of the land of Pokhara, encroachment was made, regarding which order of eviction under Section 67 of the U.P. Revenue Code, 2006 has been passed and on 19.08.2025 notices have been issued to the encroachers and the same have been served upon them.

16- That part from the above, the petitioner himself has encroached over Arazi No.25 Area 0.291 Hectare a per the report of the Lekhpal on Form-19 submitted before the Tehsildar. However, due to technical issues with the RCCMS Portal, the case

has not been registered on the Portal yet.

17- That the encroachers against whom orders under Section 67 of the U.P. Revenue Code, 2006 has been finalized, notices dated for eviction have been issued giving 7 days time to remove the encroachment, otherwise, the encroachments shall be removed by using force.

The writ petition is adjourned by a week and shall appear again on 15.09.2025.

To be taken up as fresh.

By that time, the Collector shall again file his own affidavit, indicating the current status of the appeal and the proceedings taken therein.

The Registrar (Compliance) is directed to communicate this order to the Collector, Varanasi through the learned Chief Judicial Magistrate, Varanasi within 48 hours next."

4. Counsel for the petitioner submitted that in view of the entry of the plot in question as well as order for eviction passed by the Tehsildar/District Magistrate, in respect to the plot in question, the order should be given effect on the spot. He further submitted that in respect to certain encroachers of the plot in question, no proceeding has been initiated, as such, prayer made in this petition should be allowed.

5. Learned counsel for the private respondents submitted that proceedings under Section 67(5) of the U.P. Revenue Code, 2006 are pending, as such, the prayer made in the instant petition cannot be allowed.

6. I have considered the arguments advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that order for eviction and damages has been passed passed by the Tehsildar as well as the appeal under Section 67(5) of the U.P. Revenue Code, 2006 has also been dismissed by the District Magistrate, Varanasi. There is also no dispute about the fact that certain restoration proceedings are

pending before the authorities. There is also no dispute about the fact that certain appeal under Section 67(5) of U.P. Revenue Code, 2006 and certain proceeding under Section 67(1) of the U.P. Revenue code, 2006 are pending as mentioned in the affidavit of the State with full particulars.

8. So far as the execution of the order passed under Section 67 of the U.P. Revenue Code, 2006 is concerned, remedy is provided under paragraph 460 of the U.P. Revenue Court Manual, as such, the instant P.I.L. cannot be maintained for implementation/execution of the order passed in the proceeding under Section 67 of the U.P. Revenue Code, 2006.

9. Considering the entire facts and circumstances of the case, without expressing any opinion on the merits of the case, the instant public interest litigation is disposed of, with the direction to the Respondents-State Authorities to decide all the pending cases, arising out of the proceeding under Section 67 of the U.P. Revenue Code, 2006 in respect to the plots in question, after affording opportunity of hearing to the parties concerned, in accordance with law, expeditiously.

March 17, 2026
C.Prakash

(Chandra Kumar Rai,J.)