



2026:AHC:54056

HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 2868 of 2025

Dinesh Singh

.....Petitioner(s)

Versus

State Of U.P. And 13 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Haseeb Alam Ansari, Pankaj Kumar Singh, Sheikh Moazzam Inam
Counsel for Respondent(s)	: Ashish Kumar Mishra, Bhupendra Kumar Tripathi, C.S.C., Gaurav Kumar Singh, Sarwam Dwivedi

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Short counter affidavit filed on behalf of the private respondents is taken on record.

2. Heard Mr. Sheikh Moazzam Inam, learned counsel for the petitioner, Mr. Ashish Kumar Mishra, learned counsel for private respondent nos.6, 7, 12, 13 & 14, 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.

3. The instant public interest litigation has been filed for the following reliefs:-

"1. Issue a writ, order or direction in the nature of mandamus, commanding/directing the respondents (specially respondent nos. 2 & 3) to remove the encroachment over arazi nos.315, 359, recorded as navin parti and 409 and 416 recorded as chak marg, in the interest of justice;

2. Issue a writ, order or direction in the nature of mandamus, commanding/directing the respondents to implement the eviction order dated 28.5.2022."

4. On 30.1.2026, following order was passed by this Court:-

"1. Learned counsel for the respondent submitted that

appeal bearing Appeal No.D202514700004537 under Section 67 (5) of U.P. Revenue Code, 2006 filed by private respondents is pending before Collector, as such prayer made in the instant public interest litigation cannot be entertained. He further submitted that petitioner himself is facing proceeding under Section 67 of U.P. Revenue Code, 2006, as such instant public interest litigation cannot be entertained at the instance of petitioner.

2. Learned counsel for respondent is directed to file affidavit annexing the copy of the proceeding which is pending against the petitioner in respect to the gaon sabha land.

3. Put up this matter as fresh on 16.2.2026. "

5. Counsel for the petitioner states that in view of the entry of the plot in question as well as order for eviction passed by the Tehsildar, in respect to the plot in question, the order should be given effect on the spot.

6. Learned counsel for the private respondents submitted that appeal under Section 67(5) of the U.P. Revenue Code, 2006 is pending before the District Magistrate, Varanasi, as such, the prayer made in the instant petition cannot be allowed. He further submitted that against the family member of the petitioner, proceeding in respect to encroachment of gaon sabha's land is pending, as such, the Public Interest Litigation at the instance of the petitioner, is not maintainable.

7. In reply, counsel for the petitioner submitted that against the petitioner, no proceeding is pending, as such, the prayer made in the instant petition should be allowed.

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

9. There is no dispute about the fact that against the order for eviction and damages passed by the Tehsildar, the appeal under Section 67(5) of the U.P. Revenue Code, 2006 is pending before the District Magistrate, Varanasi.

10. 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.

11. It is material to mention that in the instant matter, appeal under Section 67(5) of the U.P. Revenue Code, 2006 is pending for disposal.

12. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2/District Magistrate, Varanasi to decide the **Appeal No.D202514700004537 under Section 67 (5) of U.P. Revenue Code, 2006**, expeditiously, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

March 17, 2026
C.Prakash

(Chandra Kumar Rai,J.)