



2026:AHC:63252

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2970 of 2025

Jay Ram Gond

.....Petitioner(s)

Versus

State Of U.P. And 17 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Niladra Shekhar Singh
Counsel for Respondent(s)	:	Ajitabh Kumar Choubey, C.S.C., Rameshwar Prasad Shukla

Court No. - 55

HON'BLE ARUN KUMAR, J.

1. Heard Sri Niladra Shekhar Singh, learned counsel for the petitioner, learned Standing Counsel for the respondent nos. 1 to 3, Sri Prem Bahadur Singh holding brief of Sri Rameshwar Prasad Shukla for the respondent no. 18 and Sri Ajitabh Kumar Choubey for the respondent nos. 6 & 7.

2. The present petition has been filed for the following relief:

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondent Authorities to remove the encroachment of the private respondents from the land in question i.e. Arazi No.1716 area 0.3600 hectare (recorded as Chakroad in the revenue records) situated in Village-Sonbarsa, Pargana-Dwaba, Tehsil-Bairiya, District-Ballia.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the respondent no.3 to comply with his own orders dated 23.09.2023 passed under Section-67 of the U.P. Revenue Code, 2006 in regard to eviction of the encroachers from the Gram Sabha land i.e. Arazi No.1716 (recorded as Chakroad in the revenue record) situated in Village-Sonbarsa, Pargana-Dwaba, Tehsil-Bairiya, District Ballia."

3. By the order of this Court dated 23.09.2025, learned Standing Counsel

was directed to obtain instructions in the matter. Today, when the case was taken up, instruction received from the Deputy Collector, Incharge Tehsildar, Bairiya, Ballia, has been placed before the Court.

4. A perusal of the aforesaid instructions shows that proceedings under Section 67(1) of the U.P. Revenue Code-2006, were initiated against the encroachers over Plot No. 1716, situated in Village Sonbarsa, Tehsil-Bairiya, District Ballia, which is recorded as Chakroad in the relevant revenue records. In the said proceeding order of eviction and recovery of damages was passed by the Tehsildar on 23.09.2023. The encroachers have already been issued notices to remove their offending constructions.

5. Learned counsel appearing for the respondent nos. 6 & 7 has placed an order passed by this Court in PIL No. 2324 of 2022, dated 7.12.2022, by which an earlier PIL filed by the petitioner, has been dismissed for lack of necessary pleadings. It has been further contended that against the order dated 23.09.2023, passed in proceedings under Section 67(1) of the U.P. Revenue Code-2006, recall applications have been filed, which are pending consideration.

6. I have considered the submissions made by learned counsel for the parties and perused the record.

7. The relief in the present writ petition is for implementing the order passed by the revenue authorities under Section 67 of the U.P. Revenue Code-2006. The present writ petition for such relief is not maintainable in view of the Division Bench Judgment of this Court in case of Manbhavati v. State of U.P. and others reported in 2020 1 AWC 789A and Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others).

8. As is evident from the instructions that notices have been issued to encroachers to remove offending constructions in compliance of the order dated 23.09.2023, passed under Section 67 of the Code, no further enquiry is required to be directed by this Court, at this stage.

9. In view of the aforesaid, the present petition is disposed of with the direction to the respondent no. 3 to decide the pending restoration applications filed by the encroachers, arrayed as respondent nos. 4 to 17 in

the present writ petition, within one month from today and take all possible action to ensure that the proceedings initiated against the encroachers, under Section 67 of the Code, are brought to its logical end.

(Arun Kumar,J.)

March 26, 2026

Ranjeet Sahu