



2025:004 - 1 03:25051

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 11452 of 2025

Hajrat Ali

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Revenue, Lko. And
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jagdishwar Prasad Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Jagdishwar Prasad Yadav, learned counsel for the petitioner as well as learned Standing Counsel for the State respondents and Sri Mohan Singh, learned counsel appearing for respondent no. 6.

2. By means of present writ petition the petitioner has assailed the orders for demolition dated 06.04.2024, passed by Tehsildar/Assistant Collector, Tehsil - Bhinga, District - Shrawasti and 02.08.2024, passed by the Collector/District Magistrate, Shrawasti as well as order dated 12.08.2025, passed by the Additional Commissioner (Judicial) Ist, Devi Patan Division, Gonda with regard to Gata No. 1564 area 0.025 hectares, situated at Village - Durgapur, Pargana - Ikauna, Tehsil – Bhinga, District - Shrawasti, wherein the petitioner is alleged to have encroached upon the Gaon Sabha land, which is recorded as 'rasta land' in the revenue records.

3. It has been submitted by learned counsel for the petitioner that notice under Section 67 of the U.P. Revenue Code, 2006 was served upon the petitioner who filed objections on 18.03.2024 and subsequently, relying upon the report of the concerned Lekhpal, it was held that petitioner has encroached upon the Gaon Sabha land of Gata No. 564 area 0.025 hectares, situated at Village - Durgapur, Pargana - Ikauna, Tehsil – Bhinga, District - Shrawasti, and accordingly orders for eviction and imposition of penalty were passed against petitioner.

4. In the objections filed by the petitioner in response to the notice issued under Section 67 of the U.P. Revenue Code, 2006, the petitioner has only stated that he has not encroached upon the Gaon Sabha land, but, does not disclose the land which is owned and possessed by him which may be in the vicinity of the disputed land belonging to Gaon Sabha.

5. Assailing the order dated 12.08.2025, before the appellate authority for the first time the petitioner stated that he was owner and in possession of Gata No. 1565 of the aforesaid village, but it seems that Gata No. 1565 is also adjacent to Gata No. 1564.

6. Learned Standing Counsel for the respondents has stated that Gata No.

1565 if adjacent to Gata No. 1564. Repeating the aforesaid arguments, learned counsel for the petitioner has submitted that perusal of village map would indicate that both the Gatas are adjacent to each other and dispute is only with regard to demarcation. Petitioner again maintained the stand that has not encroached upon Gata No. 1564.

7. Accordingly, considering the aforesaid arguments it is provided that on the application made by the petitioner under Section 24 of the U.P. Revenue Code, 2006, respondent no. 3 - Collector/District Magistrate, Shrawasti shall direct the Sub Divisional Magistrate concerned to conduct proceedings under Section 24 of the U.P. Revenue Code, 2006, forthwith and conclude the same expeditiously, say within two months from the date of order passed by respondent no. 4.

8. In the proceedings before the Sub Divisional Magistrate under Section 24 of the U.P. Revenue Code, 2006, he shall determine whether petitioner has encroached upon Gata No. 1564. In case, it is found that petitioner has encroached upon Gata No. 1564, then the authorities shall proceed to ensure compliance of orders dated 06.04.2024 and 02.08.2024, under Sections 67 and 67(5) of the U.P. Revenue Code, 2006. But on the other hand, in case it is found that petitioner has not encroached upon Gata No. 1564, it shall be open for the petitioner to move recall application before the competent authority. In case any such application is made by the petitioner, the authority concerned shall pass appropriate orders expeditiously, without giving effect to the impugned orders passed under Sections 67 and 67(5) of the U.P. Revenue Code, 2006.

9. With above directions, present writ petition stands **disposed of**.

(Alok Mathur,J.)

December 17, 2025

A. Verma