HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 6535 of 2026

Sageer Khan And 2 Others

.....Petitioner(s)

Versus

Collector, Kheri And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Nitin Rastogi
Counsel for Respondent(s) : C.S.C., Dilip Kumar Pandey

Court No. - 3

HON'BLE MANJIVE SHUKLA, J.

1. Heard Shri Nitin Rastogi, learned counsel for the petitioners, learned Standing Counsel for Respondent Nos.1 & 2 and Shri Dilip Kumar Pandey, learned counsel for Respondent No.3.

2. The captioned writ petition has been filed by the petitioners inter alia praying therein for the following relief(s):-

> *"(i) issue a writ, order or direction in the nature of Certiorari to quash the impugned the order dated 19.07.2025 passed by Tahsildar Mohammadi, District- Kheri in Case No.7562 of 2023, Computerized Case No.202310430407562 and order dated 19.03.2026 passed by the Collector Kheri in Appeal No.2192 of 2025, Computerized Case No. D202510430002192 as contained in Annexure No.1 & 2 to this writ petition*
>
> *(ii) Issue a writ, order or direction in the nature Mandamus commanding the opposite parties not to demolish house of the petitioners and eject then from the property in question.*
>
> *(iii) Any other suitable order or direction which this Hon'ble Court may deem fit just and proper in the favour of the petitioners.*
>
> *(iv) Allow the writ petition with cost in favour of the petitioners."*

3. It has been contended on behalf of the petitioners that their

mother was granted 'patta' on Gata No.23 due to sterilization process carried out on her and on the said land, initially a kachcha house was constructed and later on, on the said land a concrete house had been constructed under the Pradhan Mantri Awas Yojana.

4. Learned counsel appearing for the petitioners has vehemently argued that the aforesaid categorical ground taken by the petitioners in their objection filed before the Tehsildar under Section 67 of the U.P. Revenue Code, 2006 and the ground taken in that regard in the appeal before the Collector, has not been considered at all.

5. Learned counsels appearing for the respondents have submitted that though it is correct that the ground taken by the petitioners in respect of their construction made under the Pradhan Mantri Awas Yojana has not been considered by the Tehsildar and by the Collector but the photograph annexed as annexure-4 at page 20 of this writ petition shows that the petitioners had encroached upon the land in excess to the land on which house has been constructed under the Pradhan Mantri Awas Yojana.

6. I have considered the arguments advanced by learned counsels appearing for the parties and prima facie it appears that petitioners' house had been constructed by the financial support provided under the Pradhan Mantri Awas Yojana and the said house had been constructed on the land for which 'patta' was granted to the petitioners' mother. The ground taken by the petitioners in respect of 'patta' and construction of house under PMAY has not been considered at all either by the Tehsildar or by the Collector in the orders impugned in this writ petition.

7. This Court also finds that the petitioners besides their constructed house under PMAY had also raised encroachment on surplus land which is evident from photograph annexed as annexure-4 at page 20 of the writ petition.

8. The matter requires consideration.

9. Let counter affidavit be filed by the respondent nos.1 to 4 within a period of four weeks.

10. Two weeks' time thereafter shall be available to the petitioners for filing rejoinder affidavit.

11. List this matter on 05.08.2026.

12. Till the next date of listing, only such construction of the petitioners which had been erected from the funds provided under PMAY, shall not be demolished.

13. However, it is made clear that any encroachment made by the petitioners on the land surplus to the land on which house had been constructed under PMAY, exercise of removal of such encroachment can be carried out by the respondents-authorities under the orders impugned in this writ petition.

June 22, 2026
akhilesh/-

(Manjive Shukla,J.)

Digitally signed by :-
AKHILESHWAR KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench