HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2555 of 2026

Shahanshah Alam

.....Petitioner(s)

Versus

State Of Up And 17 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kali Charan Yadav
Counsel for Respondent(s)	:	C.S.C., Pankaj Kumar Gupta

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. The present writ petition has been filed seeking a direction to the respondent nos.2 & 3 to remove the illegal encroachment made by respondent nos. 5 to 18 over Plot Nos. 338 & 340, recorded as Naveen Parti in the relevant revenue records, relating to Village Sonhan, Tehsil Dhanghata, District Sant Kabir Nagar.

2. The documents filed as Annexure 3 to the writ petition shows that orders under Section 67 of the U.P. Revenue Code, 2006 have been passed by the Tehsildar directing eviction of the encroachers and recovery of damages on 10.9.2024. The present petition is in fact for implementation of the orders passed by the revenue authorities.

3. Learned Standing Counsel has raised a preliminary objection that in view of the judgment of Division Bench of this Court in case of ***Manbhavati v. State of U.P. and others, reported in 2020 1 AWC 789*** and ***Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)***, the writ petition is not maintainable for execution of orders passed by Revenue Court. It has been further submitted by learned Standing Counsel that in view of provisions of paragraph no. 460 of the U.P. Revenue Court Manual, the petitioner has remedy for getting the order implemented. For ready reference, paragraph no. 460 of the U.P. Revenue Court Manual, is quoted as under:

"460. Execution of decree and order- (1) The decree or order passed under the Code or the Rules framed under the Code shall, mutatis mutandis, be executed in

accordance with the provisions of Chapter V.

(2) The Assistant Collector/Tahsildar passing the order for eviction or recovery of any amount of damages or compensation under the provisions of Section 67 of the Code shall get the order executed and in execution of the order he shall, mutatis mutandis, follow the procedure laid down in paragraphs 137 and 138."

4. In view of the same, this Court is not inclined to interfere in the matter.

5. Accordingly, the writ petition is disposed of with liberty to the petitioner to pursue the remedy as available to him under law.

(Arun Kumar,J.)

October 27, 2026
Ranjeet Sahu

Digitally signed by :-
RANJEET SAHU
High Court of Judicature at Allahabad