2026:AHC:209024

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2492 of 2025

Maheshwari Prasad

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anubhav Sonkar, Rishi Kant Rai, Santosh Kumar Kesarwani, Surjeet Singh Patel
Counsel for Respondent(s)	:	C.S.C., Dr. Vishnu Pandey, Piyush Dwivedi, Pradeep Singh

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri Rishi Kant Rai, learned counsel for the petitioner and learned Standing Counsel for respondent nos. 1, 2 & 3.

2. Sri Vishnu Pandey, has appeared on behalf of respondent no. 5.

3. Sri Pradeep Singh has accepted notice on behalf of respondent no. 7.

4. The present petition has been filed seeking a direction to the respondent nos. 1, 2 & 3 to evict the respondent nos. 4, 5 & 6 from Plot No. 215 situated at village Katka, Pargana-Bhuili, Tehsil-Chunar, District-Mirzapur, recorded as *Naveen Parti* in the revenue records.

5. Pursuant to the direction of this Court, counter affidavit and personal affidavit has been filed by the Deputy District Magistrate, Chunar, District Mirzapur, which is taken on record.

6. The perusal of the aforesaid affidavit shows that proceedings under Section 67 of the UP Revenue Code, 2006 was initiated against respondent no. 4, Rama Sakal, in which an order of eviction has been passed on 25.09.2026. Against the order of eviction passed against respondent nos. 5 & 6 on 26.09.2023 and 23.12.2023 respectively, restoration application had been filed by them. It has been stated that the restoration applications filed by respondent nos. 5 and 6 have been rejected by the separate order dated 25.09.2026, restoring the eviction orders passed against them.

7. In view of the aforesaid, the grievance of the petitioner for removal of the

encroachment and offending constructions raised by respondent nos. 4, 5 & 6 from Plot No. 215, appropriate proceedings have already been undertaken and requisite orders have been passed.

8. Learned counsel appearing for respondent no. 5, relying upon the documents filed along with short counter affidavit, states that he is an allottee of plantation lease of Plot No. 50M, from which the new Plot No. 215 has been carved out during consolidation proceedings. It is next contended that the said fact has not been considered by the Tehsildar while passing the order of eviction against him. It is further contended that he has a remedy of appeal under section 67(5) of UP Revenue Code, 2006 within 30 days, therefore no coercive action may be taken against him.

9. In view of the aforesaid facts, it is evident that proceedings under section 67 of UP Revenue Code, 2006 against the encroachers have already been undertaken and appropriate orders have been passed, which are subject to appeal. In absence of any appeal being filed by the encroachers, Tehsildar is bound to implement the orders of eviction passed by him.

10. The petitioner also has remedy to approach the appropriate authority for implementation of the orders passed by the revenue authorities under the provisions of Para 460 of the UP Revenue Court Manual.

11. In the aforesaid circumstances, no further direction is required to be issued in the present writ petition.

12. The writ petition is accordingly **disposed of**.

13. The Tehsildar, Tehsil-Chunar, District Mirzapur shall ensure that the orders of eviction passed by him are brought to its logical end, if there is no other legal impediment.

October 6, 2026
Sartaj

(Arun Kumar,J.)

Digitally signed by :-
SARTAJ AHMAD
High Court of Judicature at Allahabad