HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2438 of 2026

Shiv Shankar

.....Petitioner(s)

Versus

State Of U.P. And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abrar Ahmad Siddiqui
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. The present petition has been filed seeking a direction to the respondent authorities to remove the encroachment made by the private respondents over public drain in plot no. 107 recorded as Abadi in the revenue records relating to Village Pali, Tehsil Sadar, District Mirzapur.

2. On 13.10.2026, following order was passed by this Court:

> "1. It is contended by the learned counsel for the petitioner that in the village abadi over plot no. 107 a public drain was constructed by the gaon sabha fund, which has been demolished and encroached upon by respondent nos. 5 to 11. Attention of the Court has been drawn to a letter of the Block Development Officer, Chhanbey, Mirzapur, dated 02.11.2021, written to the District Magistrate, Mirzapur, stating that the Village Secretary tried to remove the encroachment over the public drain but the encroachers attacked him, therefore, a request for a team of revenue officials and police force was made. Submission is that till date no action has been taken on the said letter of the Block Development Officer, nor encroachment has been removed blocking the public drain causing health hazard to the villagers.
>
> 2. Learned Standing Counsel prays for and is granted two weeks' time to obtain instruction in the matter.
>
> 3. List as fresh after two weeks."

3. In pursuance of the aforesaid order, instruction dated 28.10.2026, sent by the Deputy District Magistrate, Sadar, Mirzapur, has been placed before the Court by the learned Standing Counsel, which is taken on

record.

4. The perusal of aforesaid instruction shows that there is a private dispute between the petitioner and respondent nos. 5 to 7 regarding the land in dispute, which is pending consideration before the Civil Judge (J. D.), Mirzapur, in Original Suit No. 170 of 2026 (Tarkeshwar Nath and others vs. Shiv Shankar Tiwari). The instruction further states that the new house of the petitioner is covered by a boundary wall and through his campus, there flows an underground drain, which connects to the public drain laid beneath the interlocking road. On the eastern side of the campus of petitioner, a toilet has been constructed from which an outlet is being made by the petitioner through the land appurtenant to the house of respondent nos. 5 to 7 for connecting it to the old public drain existing in the village. The said dispute has ledd to the filing of Original Suit No. 170 of 2026.

5. In view of the aforesaid facts brought before the Court, it is evident that the present PIL has been filed by the petitioner to settle his personal score with the respondent nos. 5 to 7 on the pretext of encroachment on public drain. The writ petition does not contain the averment regarding the ongoing dispute between the parties.

6. The present petition having been filed with malicious intention to preempt the orders to be passed in the pending civil suit between the parties, is misconceived and is, accordingly, dismissed.

(Arun Kumar,J.)

October 29, 2026
Ashok Kr.

Digitally signed by :-
ASHOK KUMAR
High Court of Judicature at Allahabad