2026:AHC:208313

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2378 of 2026

Shyam Manohar

.....Petitioner(s)

Versus

State Of U.P. And 46 Others

.....Respondent(s)

Counsel for Petitioner(s) : Alok Kumar Srivastava, Sanket Kumar
Counsel for Respondent(s) : C.S.C., Hari Narayan Singh

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the respondents State. Sri Hari Narayan Singh has accepted notice on behalf of Gaon Sabha.

2. The present writ petition has been filed seeking following relief:-

"I. Issue a writ, order or direction in the nature of Mandamus commanding the Respondents, especially, the Respondent nos. 2, 3, 4 and 5 to remove the illegal encroachment being made by the Respondent nos. 6 to 47 over the land having Gata No. 240 measuring an area about 1.21 Dismal, recorded as Navin Partee land in the revenue records situated at Village Badanpur, Pargana Khakhatmau, Tehsil Amritpur, District Farrukhabad, by getting constructed, the construction and houses over the land in question."

3. Perusal of the records shows that the respondent nos.6 to 47 are holders of residential lease over Plot No.240. The lease was challenged by the petitioner under Section 122-C of the U.P.Z.A. & L.R. Act, 1950, which was rejected by the order of the District Magistrate, Farrukhabad dated 11.2.2015 holding that there exists no illegality in the allotment of lease. The said order was also challenged by the petitioner in Writ-C No. 31368 of 2026, which was dismissed as withdrawn with liberty to avail the remedy by way of public interest litigation.

4. The present writ petition has been filed seeking direction to the respondent nos.2 to 5 to remove the illegal encroachment made by respondent nos.6 to 47.

5. Once the allotment in favour of respondent nos.6 to 47 has been upheld by the competent authority by the order dated 11.2.2015, which has attained finality, no direction can be issued in the present PIL to evict them or demolish their constructions raised pursuant to the allotment made to them. Perusal of the order further shows that earlier also residential lease granted to respondent nos.6 to 47 was put to challenge, which was dismissed for want of prosecution.

6. In view of the aforesaid, there is no good ground for issuing a writ of mandamus to the revenue authorities to remove the constructions of respondent nos.6 to 47 at the instance of the petitioner, who has failed to establish the public interest involved in removing the respondent nos.6 to 47 from their dwelling houses. Moreover, in absence of any challenge to the allotment of residential lease and the order dated 11.2.2015, no relief as prayed by the petitioner could be granted in the present petition.

7. The writ petition lacks merit and is, accordingly, dismissed.

(Arun Kumar,J.)

October 6, 2026
Anil

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