2026:AHC:208225

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2370 of 2026

Uday Bhan Singh

.....Petitioner(s)

Versus

State Of U.P. And 12 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shiva Kant Dubey
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents State and Sri Azad Rai, learned counsel for the respondent Gaon Sabha.

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

"A. Issue a writ order or direction in the nature of mandamus commanding the respondents no.2 and 3 to take all preventive measure for protection of the Khalihan Plot no- 543 Area 0.274 Hec of village Mendua Salempur Tehsil Manjhanpur district Kaushambi and also get the trespassers evicted from over then land of the aforesaid Khalihan and recover then damage from them for their illegal occupation of the aforesaid Khalihan, and compliance to the order dated 31.08.2019."

3. Contention of learned counsel for the petitioner is that the order under Section 67 of the U.P. Revenue Code, 2006 has been passed against the encroachers for their eviction and recovery of damages, but no further action has been taken pursuant to it. The present petition is, in fact, for implementation of the order passed by the revenue authority.

4. 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."

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

6. 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 6, 2026
Anil

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