HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2537 of 2026

Swaminath And 10 Others

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilesh Kumar Tripathi, Shreesh Bahadur Tripathi
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State respondents and Sri Azad Rai, Advocate, who has accepted notice on behalf of respondent Gaon Sabha.

2. The present petition has been filed seeking a direction to the respondent authorities to remove the illegal encroachments made by the encroachers over plot no. 300 recorded as Naveen Parti in the revenue records relating to Village Chaknooruddin Urf Nagdilpur, Tehsil Phulpur, District Allahabad.

3. It is contended by the learned counsel for the petitioners that earlier they have approached this Court by filing Writ-C No.9006 of 2024 in which instructions were called where the Additional Chief Standing Counsel had placed before the Court order dated 02.04.2024, passed under Section 67 of the U.P. Revenue Code, 2006, directing eviction of encroachers and recovery of damages. However, till date, no action has been taken to get the offending construction removed from the plot in question.

4. By means of the present petition, the petitioners seek implementation of the orders passed by the revenue authorities under Section 67 of the Code.

5. 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 authorities. 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."

6. In view of the above, I am not inclined to interfere in the matter.

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

(Arun Kumar,J.)

October 24, 2026
Ashok Kr.

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