HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2528 of 2026

Ramesh Kumar Gupta

.....Petitioner(s)

Versus

State Of U.P. And 10 Others

.....Respondent(s)

Counsel for Petitioner(s) : Rajendra Kumar Singh
Counsel for Respondent(s) : Bhupendra Kumar Tripathi, C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri Rajendra Kumar Singh, learned counsel for the petitioner and learned Standing Counsel for the State respondents. Sri B. K. Tripathi, Advocate, 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 encroachment made by the encroachers over plot no. 752 recorded as Pathway in the revenue records relating to Village Nigoh, Tehsil Madiyahu, District Jaunpur.

3. Perusal of the the document filed as Annexure-3 to the writ petition shows that proceedings under Section 67 of the U.P. Revenue Code, 2006 were initiated against the encroachers in which orders for eviction and recovery of damages were passed against them.

4. In view of the aforesaid fact, no further enquiry is required to be directed by this Court in the present PIL.

5. By means of the present petition, petitioner seeks implementation of the orders passed by the revenue authorities under Section 67 of the Code.

6. 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."

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

8. 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