HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2530 of 2026

Wasim Khan

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Pramod Kumar Pandey, Shikha Pandey
Counsel for Respondent(s) : Bhupendra Kumar Tripathi, C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard 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 implement the order dated 18.06.2026 passed in proceedings under Section 67(1) of the U.P. Revenue Code, 2006 for eviction of encroachers and recovery of damages.

3. It is contended by the learned counsel for the petitioner that the aforementioned order has been passed by the revenue authorities for removal of illegal encroachment, but the same has not been given effect to.

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 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."

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

6. 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