HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2575 of 2026

Amit Kumar Giri

.....Petitioner(s)

Versus

State Of U.P. And 13 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhai Kumar Singh, Vikas Singh
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 nos. 2 to 4 to remove the encroachment made over plot no. 123Kha recorded as Bhita in the revenue records relating to Village Nidilpur, Tehsil Sakaldiha, District Chandauli, in pursuance of the order dated 14.11.2024, passed by Tehsildar, Sakaldiha, Chandauli, within a specific period as fixed by this Court.

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 29, 2026
Ashok Kr.

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