

Balchandra vs State Of U.P. And 23 Others on 31 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14227

Court No. - 50

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 194 of 2025

Petitioner :- Balchandra

Respondent :- State Of U.P. And 23 Others

Counsel for Petitioner :- Ram Naresh Nigam, Suresh Singh

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Ram Naresh Nigam, learned counsel for the petitioner, Mr. Nand Lal Maurya, learned Standing Counsel for the State-respondents and Mr. Sudhir Bharti, learned counsel for the respondent- Gaon Sabha.

2. The instant petition has been filed for the following reliefs:

"i. issue a writ, order or direction in the nature of Mandamus directing the respondent nos.1 to 4 to take appropriate action with immediate effect for vacating the public utility pathway i.e. plot no.291 area 0.332 hectares and recorded in the name of pathway into revenue records situated at village- Darbaha Ganga Chapra, Post-Kohargaddi, Tahsil-Khadda, District- Kushinagar from the illegal, forceful grabbing/ occupation of respondent nos.6 to 24 and others, within stipulated period which should be fixed by this Hon'ble Court.

ii. to issue a writ, order or direction in the nature of writ of mandamus directing the respondent nos.1 to 4 to make the compliance of the order dated 18.12.2023 passed by Tahsildar Khadda under the proceeding of Section 67 of U.P. Revenue Code against the respondent nos.6 to 24."

3. Learned counsel for the petitioner submitted that in spite of the order dated 18.12.2023 passed by Tahsildar in the proceeding under Section 67 of U.P. Revenue Code, 2006 for ejectment and damages against the private respondent, the order has not been given effect.

4. Mr. Nand Lal Maurya, learned Standing Counsel for the State placed the instruction dated 25.1.2025 sent by the Sub-Divisional Officer, which is taken on record.

5. Learned Standing Counsel on the basis of instruction submitted that against the order dated 18.12.2023 passed by Tahsildar, restoration application has been filed by the private respondent and the Tahsildar has stayed the operation of the order dated 18.12.2023, as such, the order dated 18.12.2023 cannot be given effect.

6. Considering the facts mentioned in the instruction that the order dated 18.12.2023 has been stayed by the Tahsildar himself, no interference can be made on the basis of instant public interest litigation to give effect the order dated 18.12.2023.

7. The instant public interest litigation is, accordingly, dismissed.

Order Date :- 31.1.2025 Rameez