2025:AHC:166655

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2821 of 2025

Nand Lal

.....Petitioner(s)

Versus

State Of U.P. And 12 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashwani Kumar Pandey, Rajesh Kumar Dubey
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 49

HON'BLE J.J. MUNIR, J.

1. Heard Mr. Ram Deo Pathak, Advocate holding brief of Mr. Rajesh Kumar Dubey, learned Counsel for the petitioner, Mr. Azad Rai, learned Counsel appearing on behalf of the Gaon Sabha and Ms. Amrita Singh, learned Additional Chief Standing Counsel, appearing for the State.

2. This writ petition has been filed in public interest seeking a direction to remove encroachment by respondents second set in land bearing no. 197/0.8670 (old *gata* no. 149), situate in Village- Kapathua, Pargana- Arail, Tehsil- Karchhana, District- Prayagraj.

3. According to the petitioner, the said land is currently recorded as *bhumidhari* of the encroaching respondents. He points out that in the basic year (1359 *fasli*), this plot was recorded as a pond (*talab*). The State have moved the Sub-Divisional Magistrate, Karchhana, under Section 38(1) of the U.P. Revenue Code, 2006, for correction of record and to restore this land to the *khata* of pond.

4. There is a report of the *Lekhpal* on record dated 13.08.2021 and a later report at pages 28 and 29, to which our attention has been drawn.

5. There is an order-sheet of Case No. 202102030510587, State v. Balram and others, pending before the Sub-Divisional Officer, Karchhana, District- Prayagraj.

6. Proceedings for correction of records, that might lead to restoration of

the pond, as recorded in the basic year, appear to be lingering on before the Sub-Divisional Officer. For the present, the land is recorded as *bhumidhari* and, therefore, to direct removal of encroachment, on this state of record, would not be valid.

7. However, it is true that if there is a mistake or manipulation in record by which the land of a pond, record as such in the basic year, has come to be recorded as a *bhumidhari*, the State's application, pending before the Sub-Divisional Officer, Karchhana, should be decided promptly and not permitted to drift across dates.

8. In the circumstances, we direct the Sub-Divisional Officer, Tehsil-Karchhana, District- Prayagraj to proceed with Case No. 202102030510587, State v. Balram and others, fixing three dates of effective hearing every week and decide the matter expeditiously.

9. This petition is **disposed of** in terms of the aforesaid orders.

10. Let this order be communicated to the Sub-Divisional Officer, Tehsil-Karchhana, District- Prayagraj through the learned Chief Judicial Magistrate, Prayagraj by the Registrar (Compliance) **within 48 hours.**

(J.J. Munir,J.)

September 17, 2025
Prashant D.

Digitally signed by :-
PRASHANT DWIVEDI
High Court of Judicature at Allahabad