



2026:AHC-LKO:50605-DB

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 5045 of 2026

Indra Pati And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home
Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sachin Kumar, Abhinav Sachan ,
Diship Kumar , Piyush Agnihotri,
Shailesh Sachan
Counsel for Respondent(s) : C. S . C .

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has sought for the following substantial reliefs:-

"I. Issue a writ in the nature of mandamus to direct the opposite parties to not to interrupt in the peaceful possession of the petitioners over the land, in the interest of justice.

II. Issue a writ in the nature of mandamus to direct the opposite parties to not to harass the petitioners without any interim order from any court of law."

3. Upon a perusal of the writ petition, it appears that the entire matter relates to a family dispute between the petitioner and the private respondents, wherein a civil suit is also pending. The petitioner has not been able to make out any case as to why this Court exercising its jurisdiction under Article 226 of the Constitution of India should entertain this petition or to pass any order in his favour.
4. However, there is another aspect of the matter, inasmuch as it has been also submitted by learned Counsel for the petitioner that although the petitioner is more than 85 years of age, she has been

continuously harassed by the police in one way or the other. According to the learned Counsel, if the dispute is essentially civil in nature, then the police should not have any business in siding with any of the parties to the said civil dispute. It is the submission of the learned counsel that the police is siding with the private respondent and in collusion is creating hindrance in the legitimate constructions being raised by the petitioner.

5. This Court does not wish to go into the nitty-gritty of the said allegation of collusion between the police and private respondents as it would have its own consequential effect of filing a complaint/F.I.R. against the private respondents or the erring police officer, as the case may be.

6. However, as far as the issue raised by the learned counsel that in a dispute, which is essentially civil in nature, the conduct and abstinence of the police is a grave issue which calls for our immediate interference.

7. This Court has repeatedly observed, and it is now well-settled, that police authorities and Executive officers have no jurisdiction to adjudicate or interfere in civil disputes relating to title, possession, or boundaries of immovable property between private parties, except to the limited extent necessary for maintaining public peace and preventing breach of law and order, as provided under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) or earlier the Code of Criminal Procedure, 1973.

8. In the cases, where grievance essentially arises out as a private dispute over property between the parties claiming peaceful possession etc., such disputes are squarely within the domain of competent Civil Courts. The police and revenue/executive authorities cannot be allowed to act as adjudicatory bodies or to assist one party in dispossessing the other, without any specific order from a Court of competent jurisdiction.

9. A Division Bench of this Court, in **Writ-C No. 3263 of 2020 (Parmatma Saran & Anr. vs. State of U.P. & Ors.)**, Neutral Citation No. – 2020:AHC:21481-DB; decided on 31.01.2020, has categorically held that when a writ petition in substance seeks a direction against private persons interfering in peaceful possession, and such private parties have not been impleaded, the petition is not

maintainable under Article 226. The Court placed reliance upon the *Government Order dated 16.09.2015* issued by the Chief Secretary, U.P., pursuant to earlier directions of this Court, which mandates that no administrative order shall be passed on miscellaneous applications in matters of immovable property pending between private parties or where Courts have passed interim orders. It was directed that any violation would invite strict penal action against erring officers.

10. Furthermore, the Division Bench of this Court while deciding the case of **Suman Singh Vs District Magistrate And Others**, in (*WRIT - C No. - 12310 of 2022*), **Neutral Citation No. – 2022:AHC:176795-DB**; decided on **20.10.2022**, reported as **2022 SCC OnLine All 720**; the core issue which falls for consideration before this Court was the extent of permissible judicial intervention and, more importantly, the impermissible overreach by administrative authorities in matters of private civil disputes concerning title and possession of immovable property, where the parties are already litigating their respective rights before the competent Civil Courts and interim injunction orders are operating. Despite the pendency of the said suits and the existence of interim orders, the revenue and police authorities, at the instance of one set of parties, intervened and effected dispossession on 07.11.2020. The Division Bench of this Court held that such administrative intervention in a purely private dispute of title and possession is wholly without jurisdiction and contrary to the settled position of law. Reference was made to the **Government Order dated 01.12.2014** issued by the Chief Secretary, Government of U.P. (**bearing No. 491/Writ/6-Pu-3-2014-2(94)P/2014**), which was issued in the backdrop of earlier directions of this Court passed in **Writ-C No. 43627 of 2014 (Sayeed Khan vs. State of U.P. & Ors.)**. The aforesaid Government Order dated 01.12.2014 categorically directs that:-

"in cases relating to immovable property disputes between private parties, where civil suits are pending before the competent Civil Courts or where interim orders have been passed by the Courts, the administrative and police authorities shall act strictly within the four corners of law and shall not pass any orders or take any action beyond their jurisdiction. It has been made clear

that only the competent Civil Court has the authority to adjudicate upon and pass orders in such disputes of civil nature. The administrative authorities are required only to maintain law and order and ensure compliance of Court orders, but they cannot assume an adjudicatory role or effect dispossession/restoration of possession in private title disputes."

(English translation by this Court)

11. Similarly, in **Writ-C No. 1266 of 2023 (Prem Lata Maurya vs. State of U.P. & Ors.)**, decided on **16.02.2023**, this Court, taking note of repeated allegations of police authorities (especially S.H.O.s and S.I.s) assisting private persons in forcible dispossession, directed the Director General of Police, U.P., to issue a fresh Circular reminding all police personnel of earlier instructions prohibiting interference in private disputes and to enforce the same with utmost strictness.

Pursuant to the aforesaid direction, the Director General of Police (D.G.P.), U.P., issued **Circular No. 10/2023** dated **11.03.2023**. The said Circular unequivocally reiterates that:

"i. Police have no role in deciding title or possession disputes between private parties.

ii. Any complaint regarding land/property dispute must immediately be forwarded to the concerned Executive Magistrate / Revenue Authorities.

iii. Police personnel shall not, on their own, deliver possession to any party or evict any person in a civil dispute.

iv. Action under Sections 107/116/145 Cr.P.C. may be taken only where there is imminent apprehension of breach of peace, strictly following the procedure prescribed.

v. Joint teams of Revenue and Police may be constituted under the supervision of District Magistrate and Senior Superintendent of Police only for maintaining peace and facilitating lawful resolution, not for deciding civil rights."

12. The aforesaid principles have been also reiterated in **Writ-C No. 14257 of 2024 (Phoolmati vs. State of U.P.)**, wherein this Court deprecated the practice of Sub-Divisional Magistrates passing orders directing vacation of premises in pending civil suits without following

due process. This Court in **Writ-C No. 28828 of 2016 (Suresh Kumar Gangwar & Ors. vs. State of U.P. & Ors.) Neutral Citation No. – 2016:AHC:99893-DB** dated **05.07.2016**, reported in **2016 SCC OnLine All 1558**; exhaustively examined the scope of Sections 144 and 145 Cr.P.C. and held that Executive Magistrates must act strictly within the parameters laid down therein, only for preservation of public peace and not for adjudication of title or civil possession. The Court emphasised that District Authorities have no right to interfere in private property disputes unless directed by a competent Civil Court.

13. Therefore, this Court expects all police officers, District Magistrates, Sub-Divisional Magistrates, and other Executive authorities to strictly adhere to the **Government Orders dated 01.12.2014 issued by the Chief Secretary, Government of U.P. (bearing No. 491/Writ/6-Pu-3-2014-2(94)P/2014); Government Order dated 16.09.2015**; as well as the **D.G.P. Circular dated 11.03.2023** and any deviation shall be viewed seriously and may invite departmental as well as contempt proceedings and also the police authorities shall ensure that no party is allowed to take law into their own hands and shall maintain peace without favouring any side in the civil dispute.

14. Accordingly, the writ petition is **disposed of** with liberty granted to the petitioner to approach the appropriate authority/ court for redressal of their grievances.

(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)

July 27 , 2026
Anuj Singh