HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 11955 of 2026

In Re-Suo Moto Wherein State Has Illegally Taken Possession Of Land Without F. Due Process Of Law .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s)	:	Suo Moto
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.

1. Heard.

2. We have perused the order dated 15.10.2026 passed by the learned Single Judge of this Court. We appreciate the anxiety expressed by the learned Single Judge. We ourselves have been facing similar litigation for the past several years. We have passed several orders in various writ petitions, some Government Orders have also been issued in respect of works to be done by the Public Works Department, so that any land is not utilized by it for public purposes unless it is acquired or purchased. In spite of it every day we find such petitions being filed before this Court where, without such compulsory acquisition or purchase, the land of the residents/citizens is being utilized, encroached or interfered.

3. We are of the opinion that based on the orders of learned Single Judge and our observations made hereinabove, as important issue regarding the constitutional rights under Article 300-A of the Constitution of India are involved, the Registry should register a public interest litigation in this regard so that we may consider putting in place a proper mechanism and its effective implementation to ensure that such rights of landowners are not violated by the State and if they do then serious panel

consequences would follow immediately.

4. Let the P.I.L. be registered accordingly and placed before the appropriate Bench in the next week, in the list of fresh cases with the Title In Re Suo Motu: illegal encroachment/possession of private land by State authorities.

5. (i) The State of U.P. through its Additional Chief Secretary/Principal Secretary, Revenue, Government of U.P., Lucknow; (ii) The Additional Chief Secretary/Principal Secretary, Public Works Department, Government of U.P., Lucknow; (iii) The National Highways Authority of India through its Chief Engineer, National Highways Division, Public Works Department, Government of U.P., Lucknow; (iv) The Additional Chief Secretary/Principal Secretary, Urban Development, Government of U.P., Lucknow; and (v) The Additional Chief Secretary/Principal Secretary, Housing and Urban Planning, Government of U.P., Lucknow shall be arrayed as opposite parties in the said writ petition with notice to the learned Chief Standing Counsel, who would be representing all the opposite parties.

6. Shri Nishant Shukla, learned Additional Chief Standing Counsel is present in Court and this order has been passed in his presence.

(Manjive Shukla,J.) (Rajan Roy,J.)

November 17, 2026
Satish

Digitally signed by :-
SATISH KUMAR BHARATI
High Court of Judicature at Allahabad,
Lucknow Bench