2026:AHC-LKO:80689

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

PUBLIC INTEREST LITIGATION (PIL) No. - 819 of 2026

Hausila Prasad Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Lko And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prabhakar Vardhan Chaudhary, Arun Kumar
Counsel for Respondent(s)	:	C.S.C., Mohan Singh, Pt. S. Chandra, Varun Kant

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Reserved on : 27.10.2026
Delivered on : 06.11.2026

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. Heard Shri P.V. Chaudhary, learned counsel for the petitioner, Shri Yogesh Awathi, learned Standing Counsel for the State-respondents and Shri Mohan Singh, learned counsel for the respondent No.5 as well as Shri Pandit S. Chandra, learned Senior Member of the Bar alongwith Shri Varun Kant, learned counsel for the private-respondents No.6 to 9.

2. The instant petition has been preferred in public interest seeking removal of encroachments from the public utility land bearing Plot No.471M of Village Sajampur, Pargana Aldemau, Tehsil Kadipur, District Sultanpur, which is said to be in unauthorized possession of private-respondents No. 6 to 9.

3. From the record, it would indicate that on 11.09.2026, this Court had passed a detailed order, wherein, the Court had referred to its earlier order dated 09.09.2026 as well.

4. To put the background in a perspective, the order dated 11.09.2026 is being reproduced hereinafter for ease of the reference:-

> "Heard learned counsel for the petitioner.
>
> In the instant petition, the public utility land of plot no.471M of Gram

Panchayat Sajampur Pargana Aldemau Tehsil Kadipur, District Sultanpur is in issue.

The instant PIL was filed by the petitioner indicating that the respondents be directed to initiate proceedings for eviction of the private respondents from plot no.471M.

This Court on 09.09.2026 had passed following order which reads as under:

"1. Shri Varun Kant, learned counsel has put in appearance on behalf of the private respondent no.6 to 9 and has filed his Vakalatnama which is taken on record.

2. This case reflects the complete non application of mind and vindictive attitude of the State Officer, who are supposed to be neutral.

3. The instant petition was preferred in public interest seeking removal of encroachment from the Plot No.471 M, village Sajampur, Pargana Aldemau, Tehsil Kadipur, District Sultanpur.

4. A copy of the said petition was received in the office of the Chief Standing Counsel on 18.08.2026, the copy of the same was also received by the counsel for the Gaonsabha on 19.08.2026.

5. Learned Additional Chief Standing Counsel has provided a copy of written instructions under the signature of Tehsildar Kadipur, District Sultanpur dated 31.08.2026 and another set of written instructions dated 09.09.2026 by the same Tehsildar.

6. In the written instructions dated 31.08.2026, it was indicated that Plot No.471 M was found encroached by Tej Pratap Singh, S/o Mathura Singh and the proceedings have been initiated against him under section 67 of the U.P. Revenue Code 2006 wherein the next date fixed was 15.09.2026. A copy of the summary of the suit which is available on the website was also annexed indicating that the suit against the private respondent Tej Pratap Sing was instituted on 26.08.2026 but what is the important to note that in the written instructions, it was never indicated that the petitioner has also encroached upon the same Plot No.471 M.

7. However, the written instructions provided today dated 09.09.2026 states that the petitioner is also guilty of encroachment upon Plot No.471 M and proceedings have been initiated against him under section 67 of the U.P. Revenue Code 2006 on 09.09.2026 i.e. today itself.

8. A specific query was put to the learned Additional Chief Standing Counsel to indicate as to how proceedings are initiated under section 67 of the U.P. Revenue Code 2006, as per procedure, to which he submits that he requires some short time to examine the matter.

9. Considering the aforesaid, list this matter on 11.09.2026, on which date, Tehsildar Kadipur, District Sultanpur shall appear in person before the Court alognwith entire record of the two cases initiated against the petitioner and respondent no.6.

10. Learned counsel for the petitioner is also directed to file a categoric statement in the shape of an affidavit indicating as to whether the petitioner has made any encroachment in respect of Plot No.471 M as suggested by the learned Additional Chief Standing Counsel or not.

11. The name of Shri Varun Kant be shown in the additional cause list as counsel for the respondent when the matter is listed next."

Sri Varun Kant learned counsel appearing for the private respondent has filed counter affidavit along with vakalatnama which is taken on record.

It is the case of the private respondent that this land was given to them in consolidation proceedings. However, the only document that has been filed along with the counter affidavit is an entry of CH Form-23 which in itself does not confer any title. During the course of arguments, Sri Varun Kant mentioned that Sri Shailendra Singh -private respondent no.7 is posted as Chakbandi Lekhpal in Prayagraj.

As per the counsel for the private respondents, it is alleged that they had initiated proceedings under Section 11 of the U.P. Consolidation of Holdings Act, 1953 wherein some orders were passed, but those orders are not available with the private respondents. It is quite strange that a person is given some part of public utility land under some order, yet the orders which otherwise would be a document of title for such a land

owner is not available, despite the respondent no.7 being a Revenue Officer himself. In order to be given some land during C.H. proceedings, there has to be some antecedent title with a person and there has to be some exchange or new number given to certain land which cannot take place unless the tenure holder has antecedent land holding himself which was recorded and also shown in CH Form 2-A.

There is nothing on the counter affidavit to indicate that when any piece of land was acquired by Sri Tej Pratap Singh, the father of the private respondents no. 7 to 9, what was the title dispute which was raised, the order which was passed in proceedings under Section 9 which was allegedly carried in appeal in Section 11 of the U.P. C.H. Act. In absence of this, having a piece of land which otherwise is recorded as public utility land and in the center thereof, a residential construction has been raised, raises more questions than what is being answered by the counsel for the private respondents.

It is equally surprising that a residential house is existing on Plot No. 471 and the Tehsildar, the Naib Tehsildar as well as the Lekhpals have been completely oblivious about it since years, though the Tehsildar who is present in person before the Court submitted that inspection of the land is made twice a year?one in the first half of the year and once in the second half.

If the statement of the Tehsildar is taken to be correct, then on his own statement this fact should have come to his knowledge in April?May of 2026, if not earlier. Even then, nothing was done and why it should not be imputed that he has also colluded with the private respondent no.7 who himself is a Revenue Officer.

Apparently, once the proceedings were initiated before this Court in the nature of PIL, suddenly in vindiction another set of proceedings have been initiated against the present petitioner and proceedings under Section 67 has been initiated against him.

A specific query was put to the Tehsildar who is present in person under what circumstances, it came to his notice that the said land had been encroached by the petitioner, to which, he answered that the land over

which the petitioner has raised some construction is right on the border of the land which vests with the State as well as the Abadi. For all these years, it was always thought by the Revenue Officers, including the Tehsildar who is present in person, that this was part of the Abadi.

It was specifically put to him that under what circumstances, it suddenly dawned on him that this land is part of the public utility land, to which he submits that he had received some information from his subordinate officer and therefore the proceedings have been initiated.

The manner in which the Tehsildar has given separate written instructions on two different dates, which have been noticed by this Court in its earlier order dated 9th of September, 2026 which have been quoted hereinabove, does not inspire confidence regarding the integrity of the written instructions as well as the manner in which the Tehsildar is performing his functions.

Sri Varun Kant, learned counsel, has also submitted that they are residing in the said house for the last three generations. This also becomes doubtful as not a single document of possession has been shown as to how they have been there for three decades.

Be that as it may, since the issue involved is regarding removal of the constructions from the Government land, the respondents who are contesting the proceedings before the Revenue Court under Section 67 of the Code shall continue on expeditious basis and at least three dates would be fixed in a week, and since the Revenue officer himself is involved, whether there is any strike or resolution passed from the members of the Bar, that would not be any excuse for the officer not to take up the case, and in case if the lawyers appearing for the private respondents do not work, at least the respondent no.7 would appear in person and contest his own case, he being the Revenue Officer and no one can do it better than him. The proceedings shall be brought to the notice of this Court by 29th of September, 2026.

It will also be required to be explained as to how the said respondent no.7 acquired rights in the property, for which this Court directs the State of U.P. and the learned Chief Standing Counsel, Shailendra Singh to get this

> matter inquired from the Divisional Commissioner, of Sultanpur who will look into the matter, examined it and inform as to how the land has been given or acquired by the private respondents based on certain documents which have been brought on record in their counter affidavit today. The report of the Divisional Commissioner shall also be placed before the Court on the next date.
>
> The record placed before this Court has been handed over to the Tehsildar who is present in person.
>
> List on 29.09.2026 on which date, the Tehsildar may not appear unless specifically called for, but he will join the proceedings through video conferencing on the date fixed."

5. In furtherance of the order passed by this Court dated 11.9.2026, an inquiry was conducted by the Commissioner of the Division and a copy of the said inquiry report was placed on record by Shri Awasthi, learned standing counsel by means of an affidavit dated 29.09.2026.

6. Briefly to recapitulate the issue that came up before this Court was the encroachment on public utility land on the Plot No.471M of Village Sajampur, Pargana Aldemau, Tehsil Kadipur, District Sultanpur.

7. The private-respondents contested the proceedings on the premise that it is incorrectly alleged by the PIL petitioner that the land was in illegal occupation of the private-respondents. They put up a stand that the said land belonged to the ancestors of the private-respondents No.6 to 9 and has been in their possession for decades.

8. It is in this context, where there was so much of variance in the stand of the State-Authorities and the private-respondents that it necessitated an inquiry to be done.

9. The private-respondents have filed two affidavits dated 02.09.2026 and 26.10.2026 respectively and in both the affidavits, it has been averred that the property in question belongs to them and that they have raised their house and they are residing therein, but there is no averment or document to support it as to how they acquired the land.

10. The private-respondents have taken a plea that they got the land during consolidation operations and that the name of the private-respondent No.6 has been recorded in the documents maintained by the Consolidation Authorities.

11. Significantly, the private-respondent No.6 is the father of the private-respondents No.7 to 9. However, the two affidavits, which have been filed on behalf of the private-respondents, both have been sworn by Shri Mahendra Pratap Singh, who is the respondent No.9 and is 38 years of age. The respondent No.7, Shri Shailendra Singh, is a Government Servant and is said to be posted as Lekhpal (Consolidation), in Prayagraj.

12. It appears to be quite strange that the private-respondents, who have been claiming rights of ownership on the land and it is said that they have been in possession from the time of their forefathers (and in one of the paragraphs of their counter affidavit, it has been mentioned that it has been in their family even prior to the date of vesting), but not a single revenue entry indicating the name of the forefathers and how, from time to time, the name of the predecessors of the private-respondents came into being has been produced.

13. It is in this context, the Court had required the private-respondents to file an affidavit indicating their source/acquisition of title and other contemporaneous documents to *prima-facie* assess the bonafides, but except for certain extracts of register maintained by the Consolidation Authorities, no source of title has been disclosed.

14. Shri Pandit S. Chandra, learned counsel appearing for the private-respondents has raised the following submissions:-

(a) That the PIL petitioner has not disclosed his credentials, apart from the fact that as per the report submitted by the learned standing counsel, the PIL petitioner himself has encroached upon some land, hence, the petition itself is bad.

(b) It is also argued that the private-respondents are entitled to the benefit of Section 9 of the U.P. Z.A. and L.R. Act, 1950 (for short, 'the Act of 1950').

(c) That alternatively, even if the plea of Section 9 of the Act of 1950 may not be available, yet the private-respondents are entitled to the benefit of Sections 18 and 19 of the Act of 1950 claiming rights as Sirdars and being in possession, thus, having acquired the right of Bhumidhari.

(d) Another plea was raised that the proceedings are pending under Section 67 of the U.P. Revenue Code, 2006 (for short, 'the Code, 2006') and subject to its outcome, the instant petition may not be entertained.

(e) It has lastly been urged that all pleas apart, the private-respondents also have a right of seeking exchange of their land to regularize their possession. Thus, it was urged that the instant petition deserves to be dismissed.

15. Learned standing counsel has controverted all the aforesaid submissions of Shri Chandra and urged that the contentions advanced by the private-respondents cannot be countenanced and the proceedings for removal of encroachments have been initiated, which would be taken to its logical conclusion expeditiously.

16. The Court has considered the aforesaid submissions and also perused the material on record.

17. At the outset, it may be noted that the public utility land vests in the State which is for the ultimate end and benefit of the citizens of this country. The State manages the public utility land through its Land Management Committees, who are supposed to work for the welfare and benefit of the citizens. However, what transpires is the fact that more often than not the State is not bothered nor its officials work in the interest of the State and the citizens, rather the revenue officials aid and abet encroachers and wrongdoers. This particular case though in public interest brings to the fore such a reflection on the State and its Officers as has been observed above.

18. It is not in dispute that the Plot No.471M of Village Sajampur, Pargana Aldemau, Tehsil Kadipur, District Sultanpur is a public utility land. If the private-respondents had raised constructions and the Revenue Officials, who are required to make survey, inspect and do their field

duties, could not have missed the said construction, they remained oblivious to the same and it is only when the instant PIL came to be filed and the Court intervened, calling upon for instructions that there was some knee-jerk reaction from the State.

19. From the written instructions provided by the State-Authorities including the short counter affidavit filed dated 29.09.2026, it indicated that the PIL petitioner himself was not fit to file the instant petition as he had no bonafide credentials, rather he himself was involved in encroaching upon public utility land. Thus, this Court does not appreciate the conduct of the PIL petitioner and by concealing this fact and yet attempting to maintain a PIL, he is liable to be saddled with a cost of Rs.10,000/- to be paid and deposited with the District Legal Services Authority, Sultanpur within a period of three weeks, from the date of this order and a receipt thereof shall also be placed on record by the learned counsel for the petitioner, failing which, it shall be recovered as arrears of land revenue by the District Magistrate, Sultanpur.

20. Be that as it may, since it is a PIL and the Court has noticed these facts and also taking note of the preliminary inquiry conducted by the Commissioner of the Division, which clearly indicates that fraudulent entries have been made in the records, maintained and preserved by the State-Authorities. But what is even worse is the fact that once this fact came to the notice of the Commissioner of the Division and he has stated on oath that the entries appears to have been forged, yet he abdicated his duty and did not get an FIR lodged.

21. Needless to say that there are very strict Rules regarding maintenance of records and making corrections therein. In absence of any supporting material, which may indicate the facts and circumstances which may lead to any reason to require any correction nor there is any order passed by any Competent Authority permitting such correction, making any changes. Any interpolation or correction without the order of the Competent Authority would amount to fraudulent activity relating to public revenue records, which is under the custody and supervision of the Collector of the District. If, in the preliminary inquiry on affidavit, it has been stated by the Commissioner of the Division that the entries in the

records appear to have been forged and tampered, *prima-facie*, then, it was the duty of the Commissioner and/or Collector to have immediately taken action both for ordering enquiry against its own erring officials and to ascertain who is responsible for it including lodging of an FIR.

22. However, it appears that the State-Authorities usually sleep over the matter, as they never appear to work with any seriousness. Except for making tall claims of zero tolerance, the action of the State-Authorities never match their claims.

23. What appears to have been missed is the fact that tampering public revenue records is a very serious issue. If unchecked and not rectified, it destroys the solemnity, presumption attached to it. It nullifies the work and duty of countless people, who prepare these records. In order to preserve this sanctity, the strict rules one framed to keep check and balance, permitting correction in a particular manner, ordered by Competent Authority.

24. If preserved records are tampered and interpolated then it leaves a perpetual sear and roles the records of its sanctity. Its not conceivable, that once the Commissioner and the District Magistrate concerned got a *prima-facie* satisfaction regarding the entries being fraudulent and yet certified copies were issued then how could they stop just there and let the said suspicious entry be, without taking the matter forward by getting it investigated, ascertain its correctness and if found finally tampered then got it restored and corrected. Absence of doing duty diligently or leaving it short of the desired level, gives rise to move such cases of fraud as there are many, who keep their eyes to take advantage of the systemic faults and indifference.

25. Now, in case, if the contentions of the learned counsel for the private-respondents is considered, it would indicate that as far as the credentials of the petitioner is concerned, the same has already been noticed and the petitioner has been penalized with cost. Moreover, the said plea does not come to the aid of the private-respondents, as the PIL is a matter between the Court and the respondents and the limited role of the PIL petitioner was only to bring the cause to the notice of the Court. Hence, for the same

reason, even if the petition may not have been maintainable, at the behest of the PIL petitioner for want of bonafide credentials, but after the matter has come to the notice of the Court, this Court is not expected to shut its eyes.

26. The plea of Sections 9 and 19 of the Act of 1950, as raised by the learned counsel for the private-respondents is concerned, the same is also not tenable in absence of any material on record.

27. Undisputedly, the private-respondents could not indicate any entry, which may have been in the name of the private-respondents or their predecessor-in-interest either prior to the date of vesting or subsequent thereto continuously. The reference made by the learned counsel for the private-respondents deriving some benefit from some entry of the register of consolidation maintained, also does not come to the aid of the private-respondents.

28. In absence of any material to indicate as to how for the first time the private-respondents ever got any right or possession over the disputed property, the submissions of the learned counsel for the private-respondents loose its force. This assumes significance for the reason that on the date of vesting, i.e. 01.07.1952, all sorts of tenures came to an end and all the land vested with the State Government. It is only thereafter that certain rights could accrue to a person, who were found in possession and certain tenures came to be recognized and that was all fresh settlement.

29. Since, there is no evidence, even *prima-facie* for the private-respondents or their predecessors to be in possession recorded in 1356 Fasli and 1359 Fasli, hence, the plea raised by the private-respondents relating to Sections 9 and 19 of the Act of 1950 *prima-facie* pales into insignificance and appears to have been raised just for the sake of it.

30. In absence of any entry recorded in CH-Form 2-A, which is the first point in time upon the commencement of consolidation operations that a survey is done and whosoever is found in possession and whatever is seen on the spot is recorded, but as already noticed above, there is nothing in this regard also which could be brought on record. In case, if there was no

land available with the private-respondents or their predecessors, there could have been no right, title and interest, hence, merely by coincidence and by claiming rights through some interpolation in some registers maintained by the Consolidation Authorities, cannot confer any right, title or interest. Moreover, neither prior to the commencement of consolidation operations nor during and not even after the closure of consolidation, there is any entry referable to the private-respondents or their predecessors. Even in absence of any such document, there is no averment also whereby the private-respondents could indicate as to who their predecessors were and how it has come down in their hands through their generations. Significantly, just prior to closure of consolidation operations, CH-Form Nos.41 and 45 is prepared and even those forms do not disclose the name of the private-respondents or their predecessors.

31. The private respondent No.6, who is the father of the private-respondents No.7 to 9, could have thrown some light, but he has not sworn the affidavit, rather the affidavit has been sworn by private-respondent No.9 - Mahendra Pratap, who is just 38 years of age and who would and would have had no knowledge regarding the aforesaid facts. The private-respondent No.7 is said to be Lekhpal (Consolidation) posted at Prayagraj, being in the Department could have expressed the facts, but even he did not choose to file his affidavit explaining the same and this deliberation, at the behest of the private-respondents No.6 to 9, reveals more than it conceals.

32. Considering the aforesaid facts and circumstances and that the proceedings under Section 67(1) of the Code, 2006 has already been initiated, hence, at this stage, this Court does not deem appropriate to make any observations further than what has already been done. Hence, this Court directs the Collector, Sultanpur, who is the highest Revenue Authority in the District, to take note of the report submitted by the Commissioner and take appropriate action, get the issue of fraudulent entries investigated and how the Revenue Records/Consolidation Records could be tampered with in the manner. The guilty must be brought to book and all that is necessary should be done. The District Magistrate/Collector, if he is unable to control the rampant encroachments in his District, does not reflect well on his administration.

33. The District Magistrate/Collector, Sultanpur shall file his personal affidavit indicating the extent of the public utility land in its District, how many cases under Section 67 of the Code, 2006 is pending and since when, how many cases have been decided and whether after the decision, once the said orders attain finality, whether the damages and recovery charges have been recovered from the erring encroachers. The District Magistrate/Collector, Sultanpur shall also indicate that in how many cases, the orders for eviction had attain finality, yet the execution has not taken place.

34. The instant petition was filed in the month of August, 2026 and a copy thereof was also received in the Office of the Chief Standing Counsel and yet what has been done to avoid encroachments, to implement the orders passed by the Authorities shall also be indicated.

35. The District Magistrate/Collector, Sultanpur shall also ensure the compliance of this order including recovery of the cost imposed on the PIL petitioner.

36. Let the progress of the proceedings under Section 67 of the Code, 2006 initiated against the private-respondents be also brought on record by the next date.

34. **List this matter on 11 December 2026 for further hearing**.

(Jaspreet Singh,J.)

November 6, 2026
Rakesh/-

Digitally signed by :-
RAKESH PRAJAPAT
High Court of Judicature at Allahabad,
Lucknow Bench