2026:AHC:211377-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 319 of 2024

Sunil Upadhyay

.....Appellant(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Anil Kumar Savita, Anmol Tiwari, Neetu Singh
Counsel for Respondent(s)	:	Bhagwan Dutt Pandey, C.S.C., Sheshmani Vishwakarma, Sudhir Bharti

Court No. - 4

HON'BLE RAJAN ROY, J.
HON'BLE ARUN KUMAR, J.

1. Heard Ms. Neetu Singh, learned counsel for the appellant and learned State Counsel for State respondents.

2. The appellant herein had filed a writ petition seeking a mandamus commanding the respondent nos.2 and 3 to demolish the encroachments made on survey plot nos. 596, 597, 598 situated at village Mauna Garhwa, Tehsil and District Deoria. Learned Single Judge has dismissed the writ petition as not maintainable for non-joinder of necessary and proper parties. In fact, we are of the opinion that for such a relief, as the land in question, as accepted by learned counsel for the appellant, was banjar, bheeta, etc., which was under the control of Gaon Sabha, it clearly attracted the remedy of Section 67 of the U.P. Revenue Code, 2006, which should have been taken recourse to, instead, the writ petition was filed that too without arraying the alleged encroachers, therefore, we do not find any error in the judgment of the writ court.

3. We leave it open for the appellant herein to initiate such proceedings, as referred herein above, if there is a cause.

4. Subject to above, the appeal is **disposed of**.

(Arun Kumar,J.) (Rajan Roy,J.)

October 8, 2026
Arnima

Digitally signed by :-
ARNIMA SINGH
High Court of Judicature at Allahabad