



2026:AHC:102901

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 4676 of 2000

Durga

.....Petitioner(s)

Versus

Iv A.S.J. Banda And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kandarp Dwivedi, S.K.Shukla, Sharad Kumar Purwar
Counsel for Respondent(s)	:	Birendra Singh, Vinod Singh

Court No. - 53

HON'BLE SANDEEP JAIN, J.

None is present on behalf of the learned counsel for the petitioner.

The instant writ petition under Article 226 of the Constitution of India has been filed assailing the impugned order dated 30.11.1999 passed by the Sub-Divisional Magistrate, Naraini, District Banda, whereby, in proceedings under Section 133 Cr.P.C., the petitioner, Durga, was directed to remove an encroachment from the public way. The above order was challenged by the petitioner by filing Criminal Revision No.181 of 1999 (Durga vs. Ram Khelawan), which was dismissed on merits by the 4th Additional Sessions Judge, Banda, on 17.07.2000. Both the orders are now assailed by the petitioner through the present writ petition.

It is apparent that the Magistrate, after considering the evidence on record, concluded that the petitioner had made an encroachment on the public way. The petitioner has failed to prove that the alleged construction was made on his private land. In view of this, there is no illegality in the impugned orders.

Accordingly, the instant writ petition is **dismissed**.

Consequently, the impugned orders dated 30.11.1999 and 17.07.2000 are affirmed.

Interim order, if any, stands vacated.

May 5, 2026
Mayank

(Sandeep Jain,J.)