



2026:AHC:55290

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5592 of 2026

Harpal Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Kripa Shanker Yadav, Manish Dev,
Mohd Shahanshah Alam Ansari
Counsel for Respondent(s) : Arun Kumar Pandey, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. In the proceedings initiated against the petitioner under Section 67 of the U.P. Revenue Code, 2006 which was registered as Case No.8830 of 2023 (Computerized Case No.T202313380208830) an order of eviction and damages has been passed by the Respondent No.3 namely Tehsildar, Tehsil Dhanaura, District Amroha on 12.06.2025.
2. By the aforesaid order, petitioners were directed to evict in respect of the Gata No.58 area 0.0336 hectare out of 0.606 hectare and damages of Rs.30,840/- has been imposed.
3. Aggrieved against the aforesaid, the statutory appeal as provided under Section 67(5) of the U.P. Revenue Code, 2006 was filed by the petitioner before the District Magistrate, Amroha. In paragraph-4 of the aforesaid appeal it is stated that the house of the petitioner is constructed since 1995 over Gata No.60, insofar as the petitioner is no concerned in respect of Gata No.58. It is argued that without considering the aforesaid aspect of the matter, appeal filed by the petitioner against the aforesaid order was also dismissed by the Additional District Magistrate (Judicial), Moradabad vide order dated 01.12.2025.
4. Aggrieved against the aforesaid, the petitioner has preferred the present writ petition.
5. It is argued that it is stated in paragraph-15 of the writ petition that the respondent authorities while passing impugned order failed to consider that

petitioner belongs to schedule cast community and his house is situated over Gata no.60 since 1995 nor land of Gata No.58, however over the land of Gata No.58 Panchayat Ghar, Public Toilets and houses of the persons who belongs to Harijan is also situated there. It is further argued that damages was imposed against the petitioner without assigning any reasons.

6. Heard counsel for the parties and perused the record.

7. From perusal of record, it is clear that order of eviction has been passed by the authorities for eviction of the petitioner from Gata No.58 area 0.0336 hectare out of 0.606 hectare since the admitted case of the petitioner that he does not have any encroachment over the aforesaid land.

8. In this view of the matter and without interfering with the orders which are under challenge in the present writ petition, the writ petition is disposed of finally within the following directions:-

(i) Respondents are restrained from interfering in the peaceful possession of the petitioners in respect of the plot situated at Gata No.60.

(ii) Damages imposed by the respondent no.3 of Rs.30,840/- vide order dated 12.06.2025 is set aside.

(Prakash Padia,J.)

March 18, 2026

Swati