



2026:AHC:55101-DB

## HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 598 of 2026

Gopal Ji Mishra

.....Petitioner(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

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|---------------------------|---|------------------------------|
| Counsel for Petitioner(s) | : | Dinesh Kumar Misra           |
| Counsel for Respondent(s) | : | C.S.C., Vijay Bahadur Maurya |

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**Court No. - 21**

**HON'BLE MAHESH CHANDRA TRIPATHI, J.  
HON'BLE KUNAL RAVI SINGH, J.**

1. Heard Sri Dinesh Kumar Misra, learned counsel for the petitioner, Sri Jagdish Pathak, learned Standing Counsel for the State respondents and Sri Vikas Rastogi, holding brief of Sri Vijay Bahadur Maurya, learned counsel for respondent no.4.

2. The petitioner has preferred this writ petition for the following relief :-

*"i. Issue a writ, order or direction in the nature of Mandamus directing the respondent No 3 and 5 to take appropriate action under the provision of law against the respondent No. 6 and his associates thus they may not close the public well and also not remove the Shiv Temple situated at Malak Chaturi, Shivgarh, Tehsil - Soraon, District Prayagraj."*

3. In response to the direction issued by the Division Bench, learned Standing Counsel for the State respondents has placed detailed instructions, which is taken on record. While placing the instructions, learned Standing Counsel has apprised to the Court that there is a well and a temple, which are situated over the abadi land and the private respondent has no right, title and claim over the same and as such, it is objected before us by the State respondent that they do not have any jurisdiction to interfere in the private property.

4. Considering the facts and circumstances, as nothing is brought on record to indicate that the well/ temple is situated over the public utility

land, in such situation, we decline to exercise the discretionary power under Article 226 of the Constitution of India. However, we leave it open to the petitioner to invoke the common law remedy as available under the law.

5. With the aforesaid leave, the instant writ petition stands **disposed of**.

**(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)**

**March 18, 2026**

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