



HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 12279 of 2025

Dharam Pal And 32 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Shashwat Kishore Chaturvedi
Counsel for Respondent(s)	: G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.
2. The present petition under Article 227 of the Constitution of India has been preferred assailing the order dated 09.09.2025 passed by the learned Additional Sessions Judge, Mathura in Criminal Revision No. 158 of 2025, titled Dharampal and 32 Others v. Shriman U.P. Van Prabhagiya Adhikari, Sadabad, Mathura and Others, whereby the order dated 28.02.2025 passed by the Sub-Divisional Magistrate, Manth, District Mathura, in Case No. 2733 of 2025 has been affirmed.
3. Learned counsel for the petitioners submits that the petitioners are tenure holders of the land in question. On the complaint made by the Forest Department, the Sub-Divisional Magistrate has erroneously attached the said property under Section 165(1) of the B.N.S.S. It is further contended that two civil suits were instituted regarding the same land. Civil Suit No. 1072 of 2022, titled Sushila Devi w/o Mahaveer Prasad Saini and Others v. State of U.P. and Others, has already been decided in favour of the petitioners by judgment and order dated 28.02.2025. No appeal has been preferred by the Forest Department against the said judgment, and therefore, it has attained finality. The second suit, Civil Suit No. 1008 of 2023, titled Dharampal and Others v. State of U.P. and Others, is presently pending before the Court of the Civil Judge (Junior Division), Mathura, wherein the Forest Department has been granted opportunity to file its written statement; however, till date, no written statement has been filed, despite the imposition of cost of Rs.150/- on the State.
4. The matter requires consideration.
5. Learned counsel for the petitioners is directed to file the entire trial court records of Civil Suit No. 1072 of 2022 and Civil Suit No. 1008 of 2023, on the next date of listing.

6. Issue notice to respondent nos. 2 and 3 to file a counter affidavit in response to the averments made in the present petition. The counter affidavit shall specifically enclose copies of the written statements, if any, filed by the Forest Department in Civil Suit No. 1072 of 2022 and Civil Suit No. 1008 of 2023, and shall further disclose the stand of the Forest Department with respect to the land in dispute along with the steps taken, if any, to secure the said land. In case of non-compliance with the aforesaid directions, respondent no. 2 – Up-Prabhagiya Van Adhikari, Sadabad, Mathura shall remain personally present before this Court on the next date fixed.

7. Steps be taken within one week.

8. Put up this case as fresh on 11th November, 2025.

October 14, 2025

Shafique

(Vinod Diwakar,J.)