

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3804 OF 2025
(Arising out of SLP(C)No.14986/2021)

SATISH KUMAR

APPELLANT(S)

VERSUS

THE STATE OF U.P. & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

2. Appellant lays challenge to the order dated 16-11-2019 in W.P.(PIL) (C) No. 31154/2019 titled "Satish Kumar Vs. State of U.P. " passed by the High Court of Judicature at Allahabad, Lucknow Bench.

3. The Nagar Panchayat, Manakpur, District Gonda, U.P. had instituted Writ petition No.9400 (M/B) of 2007 titled "Nagar Panchayat, Manakpur, District Gonda Vs. State of U.P. & Ors." praying for the following reliefs:

(i) Issue a writ, order for direction in the nature of mandamus commanding the respondents not to do and allow any construction on plot no.473, Manakpur, District Gonda, whether for the purpose of constructing or reconstructing the office of Sub-Registrar (Registry office) or for any other until the measurement of the said plot No. 473 is done, as directed by Sub-Divisional Magistrate, Manakpur vide order dated 09.09.2007 (Annexure NO.2) and to comply with law otherwise also and further, not to cause any unlawful construction or interference with plot no. 470, Manakpur, Gonda belonging to Nagar Panchayat (Petitioner).

(ii) Issue a writ order or direction in the nature of certiorari setting aside the impugned

recommendation of Chief Revenue Office, Gonda contained in letter dt. 08.11.2007 (Annexure No.5) and after summoning the record, also setting any order thereupon or otherwise enabling the impugned construction, specifically without measurement of plot no. 473.

(iii) Issue any other writ, order or direction as may be deemed appropriate,

(iv) Award cost in favour of the petitioner."

4. The said Writ Petition was dismissed without adjudication on merits, vide order dated 08.02.2017 which also is extracted hereunder:

"Heard Mr. Anupam Mehrotra, learned counsel for the petitioner as well as learned Standing counsel.

The petition has been filed with the following prayers:

"(i) issue a writ, order or direction in the nature of mandamus commanding the respondents not to do and allow any construction on plot no.473, Mankapur, District Gonda. whether for the purpose of constructing or reconstructing the Office of Sub-Registrar (Registry Office) or for any other until the measurement of the said plot no.473 is done, as directed by Sub-Divisional Magistrate, Mankapur vide order dated 9.9.2007 (Annexure No.2) and to comply with law otherwise also and further, no to cause any unlawful construction or interference with plot no. 470, Mankapur, Gonda belonging to Nagar Panchayat (petitioner);

(ii) issue a writ, order or direction in the nature of certiorari setting aside the impugned recommendation of Chief Revenue Officer, Gonda contained in letter dated 8.11.2007 (Annexure No.5) and after summoning the record, also setting any order thereupon or otherwise enabling the impugned construction, specifically without measurement of plot no.473;

(iii) issue any other writ, order or direction as may be deemed appropriate;

(iv) award cost in favour of the petitioner."

No counter affidavit has been filed, however, on

19.12.2007 the following order has been passed by the Division Bench:-

"Heard learned counsel for the petitioner and the learned Standing Counsel.

The grievance of the petitioner is that in spite of the order dated 09.09.2007 passed by the Sub-Divisional Officer, Mankapur, Gonda, the measurement of Plot No.473 has not been made by the revenue authorities. We, therefore, as an interim measure, provide that before raising any construction over plot no.473. the opposite parties 4 to 6 shall make necessary demarcation of plots numbered 470 and 473."

It has been informed that no construction has been made till date on the disputed land, although, it has been reported that demarcation has been taken place. The parties shall abide by interim order.

Hence, the writ petition is disposed of with direction to opposite parties that if the construction has to be made out will be in accordance with law on the demarcated land."

5. Apparently, since no counter affidavit was filed, the petition which was also not pursued, was dismissed with certain directions.

6. Subsequently, finding the authorities not to have taken action in accordance with law, against the alleged encroachers, the instant appellant preferred Writ Petition (PIL) (C) No. 31154/2019 titled "Satish Kumar Vs. State of U.P." *inter alia* praying for the following reliefs :

"i). Issue a writ, order or command in the nature of Mandamus thereby directing the O.P. No.1 & 2 to conduct a detailed inquiry into the illegal and unlawful act of gabbing government land situated on gata no.470, 473, 536, 537, 544, 545, 546, 577, 576 ga, 580 ka, 580 kha situated at Nagar Panchayat Mankapur, District Gonda, whereby unauthorized

vegetable market is being running of the behest of O.P. No.5 & 6 and the revenue generated is being misuses by them.

ii). Issue a writ, order or command in the nature of Mandamus thereby directing the O.P. No. 1 & 2 to remove the illegal and unlawful possession of O.P. No.5, 6 & 7 over government land situated on gata no. 470, 473, 536, 537, 544, 545, 546, 577, 576 ga, 580 ka, 580 kha situated at Nagar Panchayat Mankapur, District Gonda.

iii). Issue a writ, order or command in the ..nature of Mandamus thereby directing the O.P. No.1 & 2 to take appropriate action against the guilty officials and revenue authorities who are found to be involved in the illegal and unlawful act of the O.P. 5, 6 & 7.

iv). Issue any other writ, order of command which Hon'ble Court deems fit and proper in the circumstances of the case.

v). Allow this writ petition with costs in favour of the petitioners."

7. The said writ petition stands dismissed in terms of the impugned judgment dated 16.11.2019 by the High Court of Judicature at Allahabad.

8. We are of the considered view that none of the contentions raised by the appellant were dealt with by the High Court while dismissing the writ petition. The Court simply extracted the order passed in the first Writ petition No.9400 (M/B) of 2007 and dismissed the same even though the subject matter was distinct and different in nature.

9. In this view of the matter, we quash and set aside the impugned judgment and order dated 16.11.2019 and restore the petition to its original number, position and status.

10. Parties are directed to appear before the High Court on 8th April, 2025. The High Court is requested to decide the matter on its own merits, uninfluenced by any one of the observations made by this Court.

11. The appeal is disposed of with the above observations.

.....J.
(SANJAY KAROL)

.....J.
(MANOJ MISRA)

NEW DELHI;
18TH MARCH, 2025

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14986/2021
[Arising out of impugned final judgment and order dated 16-11-2019
in WP(PIL)(C) No. 31154/2019 passed by the High Court of Judicature
at Allahabad, Lucknow Bench]

SATISH KUMAR

Petitioner(s)

VERSUS

THE STATE OF U.P. & ORS.

Respondent(s)

(I.R.IA No.71408/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.71407/2021-EXEMPTION FROM FILING O.T.)

Date : 18-03-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) :Mr. Shail Kumar Dwivedi, AOR
Mr. Manish Tripathi, Adv.
Mr. Siddharth Krishna Dwivedi, Adv.

For Respondent(s) :Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.
Ms. Shweta Yadav, Adv.

Mr. Gaurav, AOR

Mr. Ravindra Singh, Sr. Adv.
Mr. Raman Yadav, Adv.
Mr. Syed Mehdi Imam, AOR
Ms. Akriti Chaturvedi, Adv.
Mr. Priyam Kaushik, Adv.
Mr. R. S. Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of signed order.
3. Pending application(s), if any, shall stand disposed of.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)

(Signed order is placed on the file)