



HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 3705 of 2025

Bhagirath And Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Pradeep Saxena, Ram Naresh Maurya
Counsel for Respondent(s) : C.S.C., Sher Bahadur Singh

Court No. - 55

HON'BLE ARUN KUMAR, J.

1. Heard Sri Pradeep Saxena, learned counsel for the petitioners and learned Standing Counsel for the respondent nos.1 to 4. Sri Sher Bahadur Singh has accepted notice on behalf of respondent no.5.

2. The present writ petition has been filed seeking following relief:-

"a. Issue a writ order or direction in the nature of MANDAMUS commanding the respondent authorities to direct the respondent authorities to get the encroachment removed over Gata No. 51 area 0.0630 hectare situated in Village Gangapur, Tehsil-Nawabganj, District- Bareilly, entered in the revenue record as Devi Sthan the disputed land within a reasonable time as fixed by this Hon'ble Court, otherwise petitioner shall suffer irreparable loss and injury.

b. Issue a writ order or direction in the nature of INTERIM MANDAMUS commanding the respondent authorities to direct the respondent authorities to get the encroachment removed provisionally during the pendency of present writ petition before this Hon'ble Court, otherwise petitioner shall suffer irreparable loss and injury."

3. Pursuant to the order of this Court dated 1.12.2025, instructions were called from the learned Additional Chief Standing Counsel in respect of the matter. In compliance of the order of this Court dated 1.12.2025, instructions dated 13.12.2025 sent by the Deputy District Magistrate, Nawabganj, Bareilly was placed before the Court.

4. Perusal of the aforesaid instructions shows that Plot no.51 Area 0.0630

hectare, situated in Village Gangapur, Tehsil Nawabganj, Bareilly is recorded as Dev Sthan in the relevant revenue records. On the said land, a platform was constructed by the villagers, over which on 14.4.2025 Ambedkar Jayanti was celebrated by the villagers by placing a photograph of Dr. Bhim Rao Ambedkar. On the objection of some villagers, photograph was removed on 22.4.2025. However, in the night of 6/7.6.2025, a statue of Dr. Bhim Rao Ambedkar was installed on the platform, after which the law and order situation in the village deteriorated. On the intervention of the local administration, status quo was directed to be maintained on the assurance that further action shall be taken, subsequently. On the complaint of Lekhpal, in respect of disturbance caused in the village between the two factions, a first information report under Section 329(3) B.N.S. and Section 2/3 of Prevention of Damage to Public Property Act, 1984 was registered against certain villagers, who had installed the statue of Dr. Bhim Rao Ambedkar. The said faction in a counterblast got a first information report registered against 19 villagers including the petitioners.

5. From the perusal of the averments made in the writ petition and the instructions sent by Deputy District Magistrate, Nawabganj, Bareilly, it is evident that there are two factions in village, one which wants to carry out religious activity on the plot in question recorded as Dev Sthan in the revenue records and the other which has installed the statue of Dr. Bhim Rao Ambedkar without any authority of law. There is no dispute of the fact that the plot in question is the land belonging to Gaon Sabha, which continues to be recorded as Dev Sthan, meant for carrying out religious activities by the villagers. According to the instructions given by the Deputy District Magistrate, the installation of statue has been made without any authority of law. There is nothing on record to show that the Land Management Committee had ever resolved to allocate the said land for installation of the statue of Dr. Bhim Rao Ambedkar. As the religious activity and the installation of statue, both, affect the feelings of different factions of the villagers, any coercion against one of the factions would spark unrest in the village causing law and order problem.

6. In view of the aforesaid, the District Magistrate, Bareilly, is directed to constitute a committee of responsible officers, who shall talk to both the

factions of the Village Gangapur and find out an amicable solution so that the religious activities being carried out in Plot No.51 is not disturbed and the villagers, who want to install the statue of Dr. Bhim Rao Ambedkar are provided appropriate place in the said plot or any other plot of the Gaon Sabha in the village. The District Magistrate, Bareilly shall carry out the said exercise within six weeks from today and submit his report to this Court through an affidavit of a responsible officer in the present petition.

7. List this case on 11.5.2026.

March 26, 2026

Anil

(Arun Kumar,J.)

Lawchakra.in