2026:AHC-LKO:13694-DB

A.F.R.

Reserved on 04.02.2026

Delievered on 20.02.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 1145 of 2026

Anshul Rana

.....Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Revenue Lko. and 5 others

.....Respondent(s)

Counsel for Petitioner(s) : Aditya Tiwari,
Counsel for Respondent(s) : C.S.C.,

Court No. - 25

HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE AMITABH KUMAR RAI, J.

(Delivered By Hon'ble Amitabh Kumar Rai, J)

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2. The instant writ petition has been filed by the petitioner challenging the order dated 11.03.2025 passed by the U.P. State Human Rights Commission (hereinafter referred to as the "Commission") in Case No. 4294/24/75/2022 registered on 20.12.2022, whereby the

complaint of the petitioner has been disposed of indicating therein that no further action is required in the complaint lodged by the petitioner.

3. Learned counsel for the petitioner submitted that the Commission has closed the complaint of the petitioner without any affirmative action, ignoring the fact that the grievance of the petitioner is still to be redressed.

4. The petitioner initially made a complaint vide his letter dated 20.11.2022, which was registered as Case No. 4294/24/75/2022, and thereafter, in the proceedings before the Commission, submitted an application dated 15.12.2024, which is annexed with the writ petition as Annexure No. 10, in which a specific point-wise complaint has been made by the petitioner, which are 14 in number.

5. The Commission, while entertaining the complaint of the petitioner initially, vide order dated 20.12.2024, sought a report from the District Magistrate, Bareilly, due to a typing error, as in fact it should have been from the District Magistrate, Sambhal. However, the Additional District Magistrate (Nagar), Bareilly, vide his letter dated 21.01.2025, forwarded the matter to the office of the District Magistrate, Sambhal and a copy of the same was also forwarded to the Commission for information. Subsequently, the Additional District Magistrate (Finance and Revenue), Sambhal, vide his letter dated 12.02.2025, informed the Commission that the complaint dated 15.12.2024 was got inquired into by the Tehsildar, Sambhal, who, in his report dated

12.02.2025, has indicated that the matter stands resolved between the parties with regard to the flow of the drain and encroachment on the pond land as well as on the land of the petitioner. The Commission taking note of report submitted by Additional District Magistrate (Finance and Revenue), Sambhal vide letter dated 12.02.2025 proceeded to pass order dated 11.03.2025, which is under challenge in the present writ petition.

6. We have gone through the order dated 11.03.2025 passed by the Commission, which records that the grievance of the petitioner with regard to the land in question, i.e., Gata No. 132 admeasuring 0.154 hectare, situated in Village Mumbai Thakuran, Sambhal, recorded as *abadi* land, Category 6(2), in the revenue records, was taken up by the Sub-Divisional Magistrate, Sambhal, on 20.05.2021 for resolving the dispute between the parties after deliberation with the interested parties and, with their consent, the drain has been made through Gata No.132 and has been connected with the pond so that the problem of waterlogging is solved. Regarding the other Gata No. 130, it has been indicated in the order dated 11.03.2025 that the said land is the private land of the petitioner/complainant and it is in possession of the petitioner. Regarding other Gata Nos. 123, 131 and 128, it has been indicated that the said plots of land belongs to Gram Samaj, and are public utility land. It is also indicated that Gata No. 134 is recorded in the revenue record as a pond and is free from encroachment.

7. The aforesaid facts have been recorded in the order dated 11.03.2025 on the basis of report dated

12.02.2025 submitted by the Additional District Magistrate (Finance and Revenue), Sambhal. The Commission has taken into consideration the 14-points complaint made by the petitioner, out of which points 1 and 2 of the complaint were in respect of the landed property of the petitioner, whereas points nos.3 to 5 were in respect to public utility land, regarding which, as per the report of the Additional District Magistrate (Finance and Revenue), Sambhal dated 12.02.2025, necessary steps were already taken. In reference to points 6 to 14 of the complaint, it has been noticed by the Commission that the petitioner, with regard to such complaint, has already filed Case No. 58 of 2021 in the Court of the Chief Judicial Magistrate, Sambhal, which is pending. In such circumstances, the Commission, by order dated 11.03.2025, disposed of the complaint of the petitioner recording therein that no further action is required in reference to the complaint lodged by the petitioner/complainant.

8. Having considered the arguments of learned counsel for the petitioner, we proceed to analyse the nature of the complaint filed by the petitioner before the Commission and the steps taken by the Commission in furtherance of such complaint while finally disposing of the complaint vide order dated 11.03.2025. The complaint, as per the application of the petitioner dated 15.12.2024 annexed with the writ petition as Annexure No. 10, reflects that the petitioner’s primary allegation is in reference to a dispute relating to his private land, i.e., Gata No. 130, and the easementary right of the passage of the drain through abadi land, i.e., Gata No. 132, and

removal of encroachment from land Gata No. 134, which is recorded in the revenue records as a pond. Further allegations in the complaint dated 15.12.2024 are with respect to the high-handedness of the authorities while disposing of the claim of the petitioner.

9. When we go through the scheme of the statutory enactment, i.e., the Protection of Human Rights Act, 1993 *(hereinafter referred to as the Act, 1993)*, we find that Section 21 of the Act, 1993 provides for the constitution of the State Human Rights Commission. Section 21(5) provides that the State Commission may inquire into violation of human rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution, meaning thereby those State matters which are mentioned in the State List and the Concurrent List. The term "human rights" has been defined in Section 2(1)(d) to mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. Thus, the State Commission has the power to inquire into violation of human rights as defined under Section 2(1)(d) in reference to matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution.

10. The nature of the dispute/complaint that has been raised by the petitioner before the Commission vide his complaint dated 15.12.2024 reflects that the same are related to the property dispute of the petitioner, for which there is already a remedy provided under the

common civil law related to property as well as statutory enactments as in the U.P. Revenue Code, 2006, that is to say, Section 67 for removal of encroachment from public utility land and Section 134 pertaining to individual right. In this regard, the judgment of the Hon'ble Supreme Court in the case of ***G. Manikyamma v. Roudri Coop. Housing Society Ltd.*, (2014) 15 SCC 197**, is worth mentioning. Paragraph Nos. 40 to 46 of the same are quoted hereinbelow:—

> *40. The Human Rights Commission, in our view, would not be competent forum for the examination of the abovementioned issues. Both the first respondent Society as well as the encroachers, in our view, wrongly invoked the jurisdiction of the Human Rights Commission instead of pursuing the appropriate remedies available to them in law, and the Human Rights Commission was too willing to exercise authority without any jurisdiction. We are also of the opinion that the High Court resorted to more of a mediation activity than the determination of the legal issues involved in the case.*
>
> *41. In our opinion, the Human Rights Commission does not have any jurisdiction to deal with the disputed questions of title and possession of the property.*
>
> *42. We make it clear that in P.T. Munichikkanna Reddy v. Revamma [P.T. Munichikkanna Reddy v. Revamma, (2007) 6 SCC 59] , this Court examined the impact of a claim of adverse possession over rented property in the context of the claim of a person who has a valid title in his favour. This Court upon examination of Beaulane Properties Ltd. v. Palmer [Beaulane Properties Ltd. v. Palmer, 2005 EWHC 817 : (2005) 3 WLR 554 : (2005) 4 All ER 461 (Ch)] and J.A. Pye (Oxford) Ltd. v. United Kingdom [J.A. Pye (Oxford) Ltd. v. United Kingdom, (2005) 49 ERG 90 : 2005 ECHR 921] opined: (P.T. Munichikkanna*

Reddy case [P.T. Munichikkanna Reddy v. Revamma, (2007) 6 SCC 59] , SCC p. 77, para 43)

> *"43. Human rights have been historically considered in the realm of individual rights such as, right to health, right to livelihood, right to shelter and employment, etc. but now human rights are gaining a multifaceted dimension. Right to property is also considered very much a part of the new dimension. Therefore, even claim of adverse possession has to be read in that context. The activist approach of the English courts is quite visible from the judgments of Beaulane Properties Ltd. v. Palmer [Beaulane Properties Ltd. v. Palmer, 2005 EWHC 817 : (2005) 3 WLR 554 : (2005) 4 All ER 461 (Ch)] and J.A. Pye (Oxford) Ltd. v. United Kingdom [J.A. Pye (Oxford) Ltd. v. United Kingdom, (2005) 49 ERG 90 : 2005 ECHR 921] . The Court herein tried to read the human rights position in the context of adverse possession. But what is commendable is that the dimensions of human rights have widened so much that now property dispute issues are also being raised within the contours of human rights."*

43. P.T. Munichikkanna Reddy case [P.T. Munichikkanna Reddy v. Revamma, (2007) 6 SCC 59] arose out of a suit filed under Section 9 of the Code of Civil Procedure, 1908 (for short "CPC") where both the plaintiff and defendant asserted their title to the property in dispute. The plaintiff in the alternative claimed that he had perfected the title by adverse possession. It was a case where the original owner of the property sold the same piece of land to both the parties to the suit. The sale in favour of the defendant is anterior to the sale in favour of the plaintiff. It was in the background of the abovementioned facts, this Court examined the question. P.T. Munichikkanna Reddy case [P.T. Munichikkanna Reddy v.

Revamma, (2007) 6 SCC 59] is not an authority for the proposition that the Human Rights Commission either National or State constituted under the Protection of Human Rights Act, 1993 are competent to adjudicate upon the disputed questions of title and possession.

44. The functions and powers of the Commission are enumerated under Section 12 of the Protection of Human Rights Act, 1993, which reads as follows:

> *"12. Functions of the Commission.— The Commission shall perform all or any of the following functions, namely —*
>
> *(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint of —*
>
> *(i) violation of human rights or abetment thereof; or*
>
> *(ii) negligence in the prevention of such violation, by a public servant;*
>
> *(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;*
>
> *(c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;*
>
> *(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and*

recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

(f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;

(g) undertake and promote research in the field of human rights;

(h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights, through publications, the media, seminars and other available means;

(i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;

(j) such other functions as it may consider necessary for the promotion of human rights."

It can be seen from the language, there is nothing in Section 12 which authorises the Human Rights Commission to adjudicate upon the disputes of title and possession of property.

45. Apart from that, there is neither any examination nor any determination by any competent body of the rights of the first respondent Society and its members on one hand, and the encroachers on the other hand, for that matter, even the rights and authority of the State over the property in dispute.

> *46. In the circumstances, we deem it appropriate to set aside the orders of the Andhra Pradesh Human Rights Commission dated 17-2-2011 and 18-3-2011 and the judgment of the learned Single Judge dated 26-12-2012 in Roudri Coop. Housing Society Ltd. v. Deptt. of Revenue [Roudri Coop. Housing Society Ltd. v. Deptt. of Revenue, WP No. 10414 of 2011, order dated 26-12-2012 (AP)] and also the judgments in Y. Muthyalu v. Roudri Coop. Housing Society [Y. Muthyalu v. Roudri Coop. Housing Society, Writ Appeal No. 580 of 2011, decided on 2-7-2012 (AP)] dated 2-7-2012 and the judgment in State of A.P. v. Roudri Coop. Housing Society Ltd. [State of A.P. v. Roudri Coop. Housing Society Ltd., Writ Appeal No. 1125 of 2013, decided on 20-8-2013 (AP)] leaving it open to the parties to seek their remedies before the appropriate fora, if they are so advised. We also direct all the parties including the authorities of the State to maintain status quo obtaining as on today with respect to the possession of the various parties until the competent court/forum determines the rights of the first respondent Society and also the encroachers with respect to the land in question admeasuring 4 acres 10 guntas.*
>
> *(Emphasis supplied by us)*

11. With regard to some of the allegations which are referred to in the complaint from point Nos.5 to 14, the petitioner has already initiated proceedings before the Chief Judicial Magistrate, Sambhal. Thus, we are of the view that, in fact, the complaint of the petitioner primarily related to his property, for which he has an efficacious remedy under the common civil law, and hence the complaint of the petitioner before the Commission was misconceived and, in fact, could not have been entertained at all. Hence, we do not find any

illegality or irregularity in the impugned order dated 11.03.2025.

12. Accordingly, the writ petition stands **dismissed**.

13. No order as to costs.

(Amitabh Kumar Rai,J.) (Mrs. Sangeeta Chandra,J.)

February 20, 2026
Ashish Dewal