

Court No. - 29

Case :- WRIT - C No. - 22773 of 2022

Petitioner :- Banvari Lal

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sunil Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Donadi Ramesh,J.

Petitioner is aggrieved by his declaration as Bhu Mafia by the respondents. A prayer is made to delete the name of the petitioner from such lists of land grabbers.

Learned counsel for the petitioner submits that the only allegation against the petitioner of encroachment of school land has been found to have no substance and, therefore, proceedings initiated under Section 133 Cr.P.C. was dropped by the concerned authority on 12.10.2020. It is submitted that the office of District Magistrate, Agra has also written to the authorities to remove the name of the petitioner from the list of land grabbers, yet the State authorities have not proceeded to expunge the name of the petitioner from the list of Bhu Mafia.

It is submitted that declaration of a person as Bhu Mafia has the effect of adversely impacting the reputation of the petitioner which is an integral part of his right to life with dignity. It is submitted that in view of the various pronouncements of law by the Supreme Court in expanding the scope of Article 21 of the Constitution of India the action of the State authorities in declaring a person as land grabber and thereby ridiculing his prestige and dignity amongst public at large is wholly unconstitutional. It is also contended that the Government Order which is relied upon for such purposes merely talks of creating a task force which may remove illegal encroachments by land grabbers and that such Government Order cannot form any basis to declare a person as land grabber without there being any law authorizing such action.

Though, the Government Order dated 01.05.2017 constituting Anti Bhu Mafia Task Force is not challenged, yet the Court finds that important rights of individuals are likely to be infringed by the declaration of a person as land grabber. To what extent such action is legally permissible would thus require consideration of this Court.

In such circumstances, we call upon the State to justify its action in declaring an individual as Bhu Mafia without there being any law authorizing such action. The concerned Secretary of the State shall justify the stand of the State in light of the above observation by filing his affidavit within a period of three weeks.

List this matter amongst top ten cases on 06.03.2025.

Considering the fact that only case in which petitioner was implicated, the proceedings against him have been dropped, we stay the declaration of petitioner as Bhu Mafia until further orders of the Court.

Order Date :- 4.2.2025

A Gautam