

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1118 of 2025

Petitioner :- Gauri Shankar Saroj

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vishnu Kant Tiwari

Counsel for Respondent :- Bhupendra Kumar Tripathi, C.S.C., Dharmendra Kumar Nirankari

Hon'ble J.J. Munir, J.

Let the Sub Divisional Magistrate, Machchlishahar, District Jaunpur show cause by his own affidavit how land of Plot No. 948/0.077 hectare situate in Village Badagaon, Tehsil Machchlishahar, District Jaunpur, which is recorded as *Naveen Parti* in the revenue record, has come to be settled in favour of respondent no. 6, Jokhan Bind.

Lay as **fresh** on **21.05.2025**.

Let this order be communicated to the Sub Divisional Magistrate, Machchlishahar, District Jaunpur through the Chief Judicial Magistrate, Jaunpur by the Registrar (Compliance) within **24 hours**.

Order Date :- 12.5.2025

Brijesh Maurya

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1118 of 2025

Petitioner :- Gauri Shankar Saroj

Respondent :- State of U.P. and others

Counsel for Petitioner :- Vishnu Kant Tiwari

Counsel for Respondent :- Bhupendra Kumar Tripathi, C.S.C., Dharmendra Kumar Nirankari

Hon'ble J.J. Munir, J.

Learned Counsel for the petitioner has made a statement at the Bar that his client has been threatened by the Police from Police Station Mungra Badshahpur, District Jaunpur, asking him not to pursue the present Public Interest Litigation. He has disclosed before the Court at the Bar the name of a constable, Pankaj Maurya, who had virtually arrested his client's son and was taking him to the Police Station. The petitioner's son was rescued by the Village *Pradhan*. Learned Counsel for the petitioner further states at the Bar that his client was so scared that he told him not to appear before the Court.

The matter is very serious.

Let the Superintendent of Police, Jaunpur file his own affidavit in the matter, mindful of the fact that if there is any grain of truth in the petitioner's allegations, which this Court has no reason to believe to be untrue, this Court will be compelled to direct this matter to be placed before the Bench hearing criminal contempt matters not only against the named constable, but also against the Station House Officer, Police Station Mungra Badshahpur, District Jaunpur and the Superintendent of Police as well. The affidavit of the Superintendent of Police shall be filed on or before 08.07.2025,

without fail.

Adjourned to **08.07.2025**.

To be taken up as **fresh** at **02:00 p.m.**

The Registrar (Compliance) is directed to communicate this order to the Superintendent of Police, Jaunpur and the Station House Officer, Police Station Mungra Badshahpur, District Jaunpur, both through the learned Chief Judicial Magistrate, Jaunpur **today**.

Order Date :- 3.7.2025

I. Batabyal

(J.J. Munir, J.)

Court No. - 49

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1118 of 2025

Petitioner :- Gauri Shankar Saroj

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vishnu Kant Tiwari

Counsel for Respondent :- Bhupendra Kumar
Tripathi, C.S.C., Dharmendra Kumar Nirankari

Hon'ble J.J. Munir, J.

An affidavit of compliance has been filed by the Superintendent of Police, Jaunpur, pursuant to the order of this Court dated 03.07.2025. In paragraph nos. 3, 4, 5, 6, 7, 8, 9, 11 and 12, it is averred:

"3. That the aforesaid order dated 03.07.2025, passed by this Hon'ble Court was communicated to the office of the deponent on 03.07.2025 itself and the deponent looking into the seriousness of the matter at once directed Additional Superintendent of Police (Rural), Jaunpur namely Aatish Kumar Singh to conduct a detailed inquiry regarding the submission made by the counsel for the petitioner. For kind perusal of this Hon'ble Court, the copy of the order dated 03.07.2025, passed by the deponent is being filed here with and marked as Annexure No.1 to this affidavit.

4. That the Additional Superintendent of Police (Rural), Jaunpur conducted an inquiry and went on to record the statements of all the witnesses including the Constable Pankaj Maurya and his companion Constable Nitesh Kumar and also of Shri Dinesh Kumar Saroj, Pradhanpati and perused the complaints and submitted its report before the deponent on 04.07.2025. For kind perusal of this Hon'ble Court, the copy of the inquiry report dated 04.07.2025 is being filed here with and marked as Annexure No.2 to this affidavit.

5. That from the perusal of the aforesaid inquiry report and its inference, it is clearly established that the petitioner Gauri Shankar Saroj is having a long standing land dispute with Shiv Govind Son of Jokhan Lal Bind and a Case No.C202314000001289 is pending before the Additional Commissioner (First), Varanasi Division, Varanasi and a case being Case No.3090 of 2025 Computerized Case No.T202514360303090 is pending before the learned Sub-Divisional Jaunpur. Magistrate, Machchali Shahar,

6. That on 09.04.2025, a dispute regarding drainage was reported on DIAL 112 by the opponent of the petitioner namely Shiv Govind, which was attended by P.R.V. 2334 as Event No.P-9042505523 which establishes and verify this fact that the dispute between the petitioner and his opponent Shiv Govind on 09.04.2025.

7. That on 10.04.2025, Jokhan Bind Son of Parasnath preferred an application before Sub-Divisional Magistrate, Machchali Shahar, upon which the Sub-Divisional Magistrate, Machchali Shahar directed Station House Officer, Mungara Badshahpur with an endorsement 'कृपया जाँचोपरान्त नियमानुसार आवश्यक कार्यवाही करें'.

8. That pursuant to the aforesaid direction Beat constables namely Pankaj Maurya & Nitesh Gaud went at the said disputed place vide GD No.57 dated 11.04.2025 and again on 11.05.2025 through GD No.44 and reported the same that there is a dispute regarding water drainage between Shiv Govind Saroj and Rajnish Saroj. For kind perusal of this Hon'ble Court, the copies of the GD No.57 & 44 dated 11.04.2025 & 11.05.2025 are collectively being filed here with and marked as Annexure No.3 to this affidavit.

9. That pursuant to the aforesaid information, a challani report against Shiv Govind Son of Jokhan Bind & Rajnish Saroj Son of Jokhan Saroj, under Section 126 & 135 of B.N.S.S. 2023 has been submitted before Sub-Divisional Magistrate, Machchali Shahar, Jaunpur on 23.05.2025 after inquiring into the Beat information. For kind perusal of this Hon'ble Court, the copy of the GD

No.39 dated 23.05.2025 is being filed here with and marked as Annexure No.4 to this affidavit.

10. That it has also been found that the petitioner or his son have never been physically or virtually arrested by the Beat Constables Pankaj Maurya and Nitesh Gaud and the petitioner has failed to provide any reliable evidence regarding his allegation made at the Bar and also that the Pradhanpati Dinesh Saroj in his statement has clearly stated that the allegation with regard arresting and threatening the son of the petitioner by the Constable Pankaj Maurya is false.

11. That in view of the aforesaid inquiry conducted by the Additional Superintendent of Police (Rural), Jaunpur, it appears that there are standing disputes and cases pertaining to land and water drainage between the petitioner and his opponent Shiv Govind are pending before the learned court of Additional Commissioner, Varanasi Division, Varanasi and Sub-Divisional Magistrate, Machchali Shahar, Jaunpur and the allegations made before this Hon'ble Court are not prima-facie established.

12. That in the light of the above necessary instructions have been issued to Circle Officer, Machchali Shahar/Station House Officer, Police Station Mungra Badshahpur to ensure sensitivity and legality in order to ensure law & order between the parties."

Learned Counsel for the petitioner has produced before this Court the petitioner Gauri Shankar Saroj and his grandson, to wit, Rajnish Saroj. He submits that after our order dated 03.07.2025, the overbearing pressure from the police to withdraw the present PIL has abated, but the fact remains that the petitioner was threatened by the two Constables from Police Station Mongrabadshahpur, District Jaunpur amongst whom Pankaj Maurya was identified by the petitioner. He attempted to arrest the petitioner's grandson and the reference in our order dated 03.07.2025 to the petitioner's son is mistaken. It was his grandson,

who was being held by the constable Pankaj Maurya and taken away on his vehicle when he was rescued by the *Village Pradhan*.

Learned Counsel for the petitioner, in order to make the record straight, has produced the petitioner and his grandson before the Court, as he says considering the fact that the matter now in issue before the Court is one of the intricate facts ,where there could be slips or gaps in his understanding upon instructions and statements on affidavit.

Since the Superintendent of Police, Jaunpur, on the basis of an inquiry, has outrightly denied all allegations of interference with this Court's dispensation of justice by browbeating the petitioner into withdrawing it, we consider it expedient to record the statement of the petitioner, Gauri Shankar Saroj and his grandson, Rajnish Saroj.

The petitioner Gauri Shankar Saroj, who has appeared before the Court has been identified by the learned Counsel appearing for him Mr. Vishnu Kant Tiwari on the basis of papers produced in Chambers before the learned Counsel. This Court, in the circumstances, proceeds to record the statement of Gauri Shankar Saroj, as follows:

आपका नाम?

गौरी शंकर सरोज।

आपकी उम्र कितनी है?

1935 में जन्म हुआ था, 92-93 साल का हूँ।

ये मुकदमा आपने दाखिल किया है?

हाँ साहब।

पुलिस आपके घर आई थी?

हाँ साहब।

उन्होंने क्या कहा?

हलका लेखपाल और पुलिस वाले आये थे और कहा कि फौजी सब बेईमान होते हैं, कहा कि गाँवसभा की सम्पत्ति है उस पर आप हाईकोर्ट क्यों गए, उसके बाद हमारे नाती रजनीश सरोज को पकड़कर गाली देते हुए घसीटकर कुछ दूर ले गए, उसके बाद लेनदेन करके छोड़ दिया।

इस मुकदमें के सम्बन्ध में और कुछ कहा?

हाँ साहब, बोले कि फैसला हम लोग कर देते हैं वहां जाने की क्या जरूरत थी और धमकी दी कि मुकदमें में समझौता करके वापस ले लो, जिस पर मैंने कहा कि मुकदमा अदालत में है अब वहीं पर फैसला होगा।

The petitioner's grandson, Rajnish Saroj, who is also present in Court, has also been identified by Mr. Vishnu Kant Tiwari, learned Counsel for the petitioner on the basis of papers produced in his chamber. This Court proceeds to record the statement of Gauri Shankar Mishra as follows:

आपका नाम?

रजनीश सरोज।

आपकी आयु कितनी है?

21 वर्ष।

आप क्या काम करते हैं?

पढ़ाई करते हैं।

किस क्लास में?

बी०एस०सी० द्वितीय वर्ष।

आप किस कॉलेज में पढ़ाई करते हैं?

राजेन्द्र सिंह रज्जू भैय्या यूनिवर्सिटी में।

पुलिस आपके घर आयी थी?

हाँ।

उन्होंने क्या कहा?

गाली देकर बोले कि पी०आई०एल० करने की क्या जरूरत थी, सिपाही पंकज मौर्या और एक सिपाही और हलका लेखपाल मुझे घसीटकर गाड़ी में बैठाकर चल दिये तब मैंने रास्ते में मम्मी पापा को फोन किया तो रास्ते में पापा आकर मिले और उन सब से पूछा कि मेरे बेटे को क्यों लेकर जा रहे हो तो बोले कि चलो वहीं थाने में बताता हूँ, तब पापा ने ग्राम प्रधान को फोन किया और उन लोगों ने उसके बाद दो हजार रूपए लेकर मुझे छोड़ा।

Upon a perusal of the statement aforesaid which has been recorded verbatim in response to the questions by the Court that were open and not leading, we are *prima facie* convinced that the Police of P.S. Mungrabadshahpur, District Jaunpur, including those manning the 112 Police Helpline facility had a very premeditated design to force the petitioner, a *nonagenarian* retiree from the Army into withdrawing this petition by abuse of State authority. In the initial steps to threaten the petitioner and his grandson into withdrawing the PIL, the liability of the Station House Officer of P.S. Mungrabadshahpur, District Jaunpur cannot be *prima facie* discounted. After all, all men at the police station work under the command of the Station House Officer, though he is a low ranking Class-III employee of the Police.

What is more startling is that the petitioner and his grandson have

categorically come up with the allegations that the grandson was taken away by the Police forcibly, who had in their company the *Halka Lekhpal* as well in order to browbeat the petitioner into withdrawing this PIL. There is this slight discrepancy alone in the statement of the petitioner and his grandson, in that, that whereas the petitioner says that his grandson was saved from the clutches of the Police by the *Gram Pradhan*, in the statement of the grandson, it was his father, who met the police party taking him away in the vehicle on the way, who came to his rescue. Both the petitioner and his grandson are consistent that the Police constable Pankaj Maurya was the active agent along with another police constable, whose identity is not known to both of them. The petitioner's grandson was let off, according to both the petitioner and his grandson, after these policemen extorted money from them under threat of impending arrest. These allegations were there in the writ petition and figured in our first order. We, therefore, required the Superintendent of Police to file his personal affidavit. Instead of taking the matter seriously, the Superintendent of Police, Jaunpur took the standard course of defending his officers for all their depredations that are *prima facie* there. He got an inquiry done through an Additional Superintendent of Police stationed at Jaunpur, who has given a clean-chit to the police personnel involved and blamed the petitioner for being involved in a land dispute which led the police to his place.

We have seen the petitioner in Court. He is a very old feeble-bodied man. He has also emphasized that the police expressed great annoyance about the fact that he approached this Court by means of the present writ petition with regard to Gaon Sabha land encroached, instead of approaching the Police.

Given the aforesaid state of facts, the inquiry held by the

Additional Superintendent of Police at the instance of the Superintendent of Police, Jaunpur loses all significance.

Let the Superintendent of Police, Jaunpur undertake a fresh inquiry and other necessary steps to remedy the position and file a further personal affidavit **on or before 11.07.2025**.

Lay as **fresh** on **11.07.2025**.

To be taken up at **02:00 p.m.**

Let this order be communicated to the Superintendent of Police, Jaunpur and the Additional Superintendent of Police, Jaunpur, who conducted the inquiry through the Chief Judicial Magistrate, Jaunpur by the Registrar (Compliance) **today**.

Order Date :- 8.7.2025

Deepak/Prashant D.

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1118 of 2025

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Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vishnu Kant Tiwari

Counsel for Respondent :- Bhupendra Kumar Tripathi, C.S.C., Dharmendra Kumar Nirankari

Hon'ble J.J. Munir, J.

In this Public Interest Litigation, yesterday the scenario was very sombre and disturbing. The Public Interest Litigation petitioner, a very old man, a nonagenarian and his grandson were paid a domiciliary visit by the police extending threat to them that they should withdraw from prosecution of this Public Interest Litigation. The petitioner and his grandson appeared before this Court and, considering the conduct of the police, in threatening them to withdraw the Public Interest Litigation and, more than that, attempting to arrest the petitioner's grandson, who was forcibly taken on a vehicle through a distance, before being released allegedly after taking a bribe, this Court asked the petitioner to get his statement recorded in the present writ proceedings. We recorded the petitioner's statement *verbatim* with open questions put to him. Likewise, the statement of his grandson was also recorded.

With a detailed record, of whatever events and facts were brought to our notice, we passed an order on 8th July, asking the Superintendent of Police, Jaunpur to hold a fresh inquiry, after rejecting the earlier inquiry by the Additional Superintendent of Police made into the self-same allegations.

Today, a personal affidavit has been filed by Dr. Kaustubh, Superintendent of Police, Jaunpur. Whatever he has found vindicates the petitioner's stand that he took before us. Even if the Superintendent of Police did not find the petitioner's stand that way, his opinion would not matter much after the statements of the petitioner and his grandson that were recorded in proceedings before this Court. Happily, for the Superintendent of Police, he appears to have forthrightly inquired

into the matter and found his men utterly at fault. He found many things and those can be best expressed in the words said in the Superintendent of Police's own affidavit. These read:

"5. That accordingly a detailed inquiry was conducted by the deponent himself and recorded the statements of relevant witnesses including that of the petitioner, his family members and local residents. For kind perusal of this Hon'ble Court, the copy of the report dated 10.07.2025 containing the inquiry as well as action taken by the deponent alongwith the relevant photographs is being filed here with and marked as **Annexure No. 1** to this affidavit.

6. That based on the available evidences and statements, was found that on 17.05.2025, two police constables namely Pankaj Maurya & Nitesh Kumar Gaud alongwith the Halka Lekhpal visited the house of petitioner's family member, allegedly in connection with a civil dispute and thereafter, it has been alleged that the petitioner's grandson namely Rajnish Saroj was being taken to the Police Station, and after taking a bribe of Rs.2000/- he was released.

7. That prima-facie it was observed that the conduct of police personnel was illegal and could have been avoided, particularly in the absence of a lawful warrant or proper procedural safeguards.

8. That taking serious note of the above, the deponent has initiated departmental action against both the Constables and they have been placed under suspension with immediate effect vide order dated 08.07.2025. For kind perusal of this Hon'ble Court, the copy of the suspension order dated 08.07.2025, passed by the deponent is being filed here with and marked as **Annexure No.2** to this affidavit.

9. That in view of the laxity and negligence committed by the Station House Officer, Police Station Mungra Badshahpur, Jaunpur he has also been placed under suspension with immediate effect. For kind perusal of this Hon'ble Court, the copy of the suspension order of Station House Officer, Police Station Mungra Badshahpur, Jaunpur dated 09.07.2025 is being filed here with and marked as **Annexure No.3** to this affidavit.

10, That it is also worthwhile to mention here that a departmental proceeding has also been initiated and departmental inquiry has been entrusted to Additional Superintendent of Police (City), Jaunpur.

11. That on the Tahrir preferred by the petitioner namely Shri Gauri Shankar Saroj, a First Information Report being Case Crime No.0175 of 2025, under Section 61(1), 352, 351(2) of B.N.S. & Section 7 of the Prevention of Corruption Act 1988 & Section 3(2)(va) of SC/ST Act has been registered on 09.07.2025 against Constable Pankaj Maurya, Constable Nitesh Kumar Gaud, Area Lekhpal Vijay Shankar and Shiv Govind at Police Station Mungra Badshahpur, Jaunpur and the investigation of the same has been entrusted to Circle Officer Machhlishahar, Jaunpur. For kind perusal of this Hon'ble Court, the copy of the First Information Report dated 09.07.2025 is being filed

here with and marked as **Annexure No.4** to this affidavit.

12. That in view of the aforesaid First Information Report dated 09.07.2025 registered against the Area Lekhpal, a request letter has been sent by the deponent to District Magistrate, Jaunpur on 09.07.2025, requesting him to initiate disciplinary proceedings against him. For kind perusal of this Hon'ble Court, the copy of the letter dated 09.07.2025 wrote by the deponent to the District Magistrate, Jaunpur is being filed here with and marked as **Annexure No.5** to this affidavit.

13. That in lieu of the laxity committed in the inquiry by Additional Superintendent of Police (Rural), Jaunpur a strict warning has been issued to him with a condition, not to repeat such act in future. For kind perusal of this Hon'ble Court, the copy of the order dated 09.07.2025 issued by the deponent is being filed here with and marked as **Annexure No.6** to this affidavit.

14. That it is also germane to mention here that instruction/order dated 09.07.2025 has also been passed by the deponent issued to all the officers posted in District that no police officer or employee shall, under any circumstances, interfere in civil or property matter without directions of a competent court failing which he shall face stringent action. For kind perusal of this Hon'ble Court, the copy of the instruction/order dated 09.07.2025 issued by the deponent is being filed here with and marked as **Annexure No. 7** to this affidavit. "

As we were going through the aforesaid affidavit, we felt that some justice was at last done to the petitioner who has taken up cudgels for a public cause. But, our relief was very short-lived.

The learned Counsel for the petitioner, Mr. Vishnu Kant Tiwari, stood up and informed the Court that the police had raided his house in the late evening hours the of 9th instant asking for his whereabouts. They had misbehaved with his father inquiring of him why the petitioner had gone to Jaunpur headquarters. The petitioner's house is located in Village- Badagon, the village to which this Public Interest Litigation relates. Before the police arrived, according to the learned Counsel, he was contacted on his mobile phone by the Station House Officer, Police Station- Mungrabadshahpur, one Dilip Singh, whose identity on the Truecaller App is disclosed as "Dilip Singh S.O.(Mungra)". The mobile phone number is 9839284848. This *Daroga* was insisting with the learned Counsel for the petitioner before this Court, Mr. Tiwari to come down to the police station as the

police had to ask him certain questions. Learned Counsel for the petitioner Mr. Vishnu Kant Tiwari, has filed his own affidavit and in paragraph nos. 5 and 6 of the said affidavit, it is averred:

"5. That on 08.07.2025 at around 10:30 at night, the area in-charge, whose name he do not know, starts calling him, the applicant disconnect the phone, the area in-charge calls three more times. The applicant ignore the call. After that, calls start coming from the number of the police station in-charge of Mungra Badshahpur, Dilip Kumar Singh. When he still do not pick up the phone, they directly come to his house with force. After stopping the car after some distance, 2 policemen get down and first stand behind his house, after that police station in-charge and some other persons were with him, his father goes near the car and asks them where is the lawyer sahab, then his father tells that he has gone to Jaunpur, he says what was the need to go to Jaunpur at night, he said that he had asked to meet, father said if he had asked to meet then they would have met, after that these people leave, they are raiding his house with force, to put pressure upon him to arrest him at night. A photo copy of the call details is being filed herewith and marked as **Annexure No.1** to this affidavit.

6. That in view of the fact and circumstances of the case, it is expedient in the interest of justice that this Hon'ble court may kindly be pleased to necessary action against the police personnel at police station Mungra Badshahapur, District Jaunpur."

This is a trend which has been recently noticed across the Country about Lawyers being investigated in cases which they are arguing in Court. It hits at the very existence of the Judicial System and is so serious that it calls for action by way of criminal contempt to be concluded, if proved, with the award of the harshest penalty possible. It has to be put down with a very heavy hand.

It is in the fitness of things that the Additional Chief Secretary (Home), Government of U.P., Lucknow be impleaded as a party respondent to this writ petition, which the learned Counsel for the petitioner will do during the course of the day.

Before we proceed further in the matter, we consider it appropriate to require the Additional Chief Secretary (Home) and the Superintendent of Police, Jaunpur to file their own affidavits, which in the nature of things they must do. They will do that by Tuesday next i.e. 15.07.2025.

Put up this matter on **15.07.2025 at 2.00 p.m.** as the **first case** after the lunch recess.

Taking into account, the totality of circumstances and the apprehensions, that have been expressed by the learned Counsel for the petitioner, Mr. Vishnu Kant Tiwari, about his own safety and liberty and that of his family members, we restrain the police, be they of any Establishment, from contacting Mr. Vishnu Kant Tiwari, Advocate, or any member of his family over telephone, threatening or harassing them in any manner, arresting or detaining them anywhere or entering Mr. Tiwari's home, or accosting him or any member of his family as they move out of their home for necessary work. In the event, the Police need visit or speak to Mr. Tiwari, they will not do so without prior leave of this Court.

Let this order be communicated to the Additional Chief Secretary (Home), Government of U.P., Lucknow through the learned Chief Judicial Magistrate, Lucknow and the Superintendent of Police, Jaunpur through the learned Chief Judicial Magistrate, Jaunpur by the Registrar (Compliance) **forthwith.**

Order Date :- 11.7.2025
Prashant D.