



2026:AHC:161714

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 21537 of 2026

Subhash Chand

.....Petitioner(s)

Versus

State Of U.P. And 13 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Arpit Kumar, Shagun K. Saran
Counsel for Respondent(s)	: Aanya Verma, Alok Saxena, C.S.C., Sunil Kumar Singh

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Arpit Kumar, learned Counsel for the petitioner, Mr. Alok Saxena, learned Counsel assisted by Ms. Anaya Verma learned counsel for respondent no.4, Mr. Shridhar Tripathi, learned Standing Counsel for State and Mr. Sunil Kumar Singh, learned Counsel for respondent- Gaon Sabha.

2. The instant petition has been filed for the following relief:-

" (i) Issue an appropriate writ, order or direction calling for the record and quashing the impugned order dated 28.4.2026 passed by Commissioner, Division Meerut in case No. 898 of 2026, computerized case No. C202611000000898, under Section 210 of U.P. Revenue Code, 2006 (Rajkumari Vs. Subhash Chand).

(ii) Issue an appropriate order writ, order or direction commanding the respondent no.2/ Commissioner Division Meerut, Meerut to consider and decide the revision only after affording full opportunity of hearing to the petitioner/ caveator and by passing a reasoned order in accordance with law."

3. On 9.7.2026, following order was passed by this Court:-

"1. Heard learned Counsel for the petitioner, Mr. Shri Dhar

Tripathi, learned Standing Counsel for the State respondents and Mr. Sunil Kumar Singh, learned Counsel for respondent-Land Management Committee.

2. Learned Counsel for the petitioner submitted that in suit for division of holding filed at the instance of petitioner, an interim injunction was granted by the Court directing the parties not to change the nature of the disputed land as well as no third party interest shall be created by the parties. He submitted that during pendency of aforementioned suit, respondent no.11 has executed registered sale deed in favour of respondent no.4 in violation of the interim injunction order passed in the aforementioned suit. He submitted that petitioner has filed application under Order 39 Rule 2-A of the Civil Procedure Code before the Sub Divisional Officer which has been allowed in part directing the defendants to remove the construction which has been raised by them in spite of the injunction order and maintained the anti-status quo in respect to the plot in question. He submitted that against the order of Sub Divisional Officer, respondent no.4 filed a revision in which without affording opportunity to learned Counsel for the petitioner who has filed caveat before the Commissioner, the interim order has been passed which is illegal. He submitted that interim order passed by the learned Commissioner should be set aside as there is no illegality in the exercise of jurisdiction by Sub Divisional Officer.

3. On the other hand, learned Standing Counsel for the State submitted that there is no illegality in entertaining the revision filed by respondent no.4 as in spite of the sufficient information to the Counsel for caveator, nobody appeared, accordingly Commissioner has entertained the revision and granted interim protection.

4. In reply, learned Counsel for the petitioner placed the averment made in paragraph no. 19 of the petition in order to demonstrate that no opportunity of hearing was afforded before

passing of interim order dated 21.4.2026 in revision.

5. Matter requires consideration.

6. Mr. Shri Dhar Tripathi, learned Standing Counsel for the State respondents shall obtain instruction from respondent no.2 as in what manner the Counsel for caveator was informed in the revision filed by respondent no.4.

7. Learned Counsel for the petitioner shall also serve the respondent no.4 personally outside the court and file affidavit of service by the next date fixed in the matter.

8. Put up this matter on 23.7.2026.

9. Office shall issue the dasti order to learned Counsel for the petitioner within one week. "

4. In pursuance of the order of this Court dated 9.7.2026, respondent no.4 has put in appearance through Counsel.

5. Learned Counsel for the petitioner submitted that revision under Section 210 of U.P. Revenue Code, 2006 filed on behalf of respondent no.4 against the order dated 21.4.2026 passed in the proceeding under Order 39 Rule 2(A) of Civil Procedure Code arising out of proceeding under Section 116 of U.P. Revenue Code, 2006 is not maintainable. He further submitted that petitioner has filed caveat before the Commissioner against the order dated 21.4.2026 passed by Sub Divisional Officer but without affording opportunity of hearing to the petitioner or his counsel, the interim order has been granted by the Commissioner which is illegal. He submitted that since revision is not maintainable, as such, interim order cannot be granted in the revision. He submitted that impugned order granting interim protection in revision should be set aside and respondent no.2/ Commissioner should be directed to decide the revision after affording proper opportunity of hearing to petitioner's counsel.

6. On the other hand, learned Counsel for respondent no.4 submitted that counsel for caveator was informed in the revision and nobody has appeared before the revisional Court accordingly the revision was heard,

entertained and interim order for maintaining status quo has been passed. He submitted that revision was filed against the order passed under Order 39 Rule 2 (A) of Civil Procedure Code arising out of proceeding under Section 116 of U.P. Revenue Code, 2006 for demolition of construction, as such, interim order was very much required in the revision. He submitted that petitioner should appear before the Commissioner rather writ petition before this Court. He further placed reliance upon the judgement of Apex Court reported in **(2008) 1 ANDHLT (CRI) 455 Jagvir Singh and Others Vs. State (Delhi Admn.)** in support of his argument. He submitted that writ petition filed by petitioner should be dismissed.

7. I have considered the arguments advanced by learned Counsel for the petitioner, learned Counsel for respondent no.4, learned Standing Counsel for State, learned Counsel for respondent- Gaon Sabha and perused the records.

8. There is no dispute about the fact that revision under Section 210 of U.P. Revenue Code, 2006 filed by respondent no.4 is pending before respondent no.2, Commissioner and parties have been directed to maintain status quo.

9. The averment has been made in the writ petition that no opportunity of hearing has been given to the petitioner or his Counsel in revision, as such, interim order granted in revision should be recalled forthwith.

10. Since petitioner is taking stand that he has not been given opportunity of hearing and learned counsel for respondent no.4 is taking stand that information was given to the caveator but nobody appeared before the revisional Court as such the interest of justice requires that petitioner should file fresh application before respondent no.2 for recalling the order dated 28.4.2026 passed in revision taking ground of opportunity of hearing as well as maintainability of the revision which shall be considered by Commissioner in accordance with law.

11. Considering the entire facts and circumstances of the case, the petitioner is directed to file a recall application against the order dated 28.4.2026 before respondent no.2 within period of three weeks from

today. The respondent no.2, Commissioner, Meerut Division, Meerut is directed to consider and dispose of the petitioner's recall applications after affording proper opportunity of hearing to both the parties within period of **four weeks** from the date of filing of recall application.

12. The writ petition is ***disposed of*** accordingly.

(Chandra Kumar Rai,J.)

August 3, 2026
Vandana Y.