



2026:AHC:164180

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 25715 of 2026

Ram Chandar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Daya Shanker Yadav, Mahendra Kumar
Counsel for Respondent(s)	: C.S.C., Pradeep Singh

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Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Office has reported latches of 220 days in filing the instant writ petition, which has been explained in paragraph no.17 of the writ petition.
2. Heard learned Counsel for the petitioner, Mr. Pradeep Kumar Singh, learned Standing Counsel for the State respondents and Mr. Pradeep Singh, learned Counsel for the Gaon Sabha.
3. With the consent of the learned counsel for the parties, the instant writ petition is heard finally without inviting any counter affidavit.
4. Brief facts of the case are that proceedings under Section 67 of the U.P. Revenue Code, 2006 were initiated against the petitioner in respect of Plot No. 29M. Pursuant thereto, the Tehsildar passed an order dated 10.7.2024 for ejectment and damages against the petitioner. Another order of ejectment and damages was also passed against one Bholanath in respect of the same Plot No. 29M. Petitioner preferred an appeal under Section 67(5) of the U.P. Revenue Code, 2006, against the order of Tehsildar dated 10.7.2024

specifically contending that the petitioner's construction is existing over the plot in question since long as such petitioner is entitled for settlement of the plot in question in terms of Section 67-A of the U.P. Revenue Code, 2006. The District Magistrate, by order dated 26.08.2025, dismissed the appeal filed by petitioner on the ground of limitation as well as merit. The appeal preferred by Bholanath against the order of ejectment in respect of the same plot was also dismissed. Aggrieved by the dismissal of his appeal, Bholanath filed Writ-C No. 45275 of 2025 before this Hon'ble Court in respect of the same plot. The aforesaid writ petition was heard and finally disposed of on 25.03.2026 with a direction that the petitioner therein may avail the remedy before the competent authority for settlement of the plot in question, which shall be considered in accordance with law. Hence, the present writ petition is being filed on behalf of petitioner seeking the following reliefs:

"I. Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 26.8.2025 passed by the respondent no.2 in Case No.769 of 2025 having Computerized Case No. D202516670000769 (Ram Chandra Vs. State) under section 67(5) of U.P. Revenue Code, 2006 and impugned order dated 10.7.2024 passed by the respondent no.3 in Case No. 3742 2017 having Computerized of No.T2017166762053742 Case (Report Lekhpal Vs. Ran Chandra) under section 67 U.P. Revenue code, 2006 (Annexure No. 6 and 4 to the writ petition).

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent not to evict and concerned dispossess the petitioner

over the Arazi no. 29M in respect of area 0.0195 hectare situated at Village- Sanathpatti, Tehsil- Bhadohi, District Bhadohi."

5. Learned counsel for the petitioner submitted that the order of eviction and damages passed by the Tehsildar is ex parte against him. He further submitted that, in the appeal, a specific ground was raised that the plot in question, which is in the petitioner's possession, is liable to be settled in the petitioner's favour in terms of the provisions contained in Section 67-A of the U.P. Revenue Code, 2006. He further submitted that the District Magistrate has not considered the petitioner's claim for settlement of the plot in accordance with law as such both the impugned orders deserve to be set aside, and the matter should be remanded to the competent authority to consider and decide the petitioner's claim for settlement of the plot in question in accordance with law.

6. On the other hand, Mr. Pradeep Kumar Singh, learned Standing Counsel for the State respondent and Mr. Pradeep Singh, learned counsel for the gaon sabha submitted that no interference is required as the authorities have found that the petitioner is in illegal possession of the plot which is recorded as "usar" in the revenue record. They submitted that petitioner has not appeared before the Tehsildar at the time of hearing, accordingly ex-parte order was passed against the petitioner. They submitted that a time-barred appeal was filed by the petitioner before the appellate court and the appellate court has decided the appeal considering each and every aspect of the matter as such, no interference is required against the impugned order.

7. I have considered the arguments advanced by learned Counsel for the petitioner, learned Additional Chief Standing Counsel for the State respondents, learned counsel for the gaon sabha and perused the

record.

8. There is no dispute about the fact that plot No. 29M is recorded as "usar" in the revenue record. There is also no dispute about the fact that the order for ejectment and damages has been passed by the Tehsildar against the petitioner which has been maintained in appeal. There is also no dispute about the fact that the writ petition filed by another person in respect of the same plot in question was disposed of with an observation that the petitioner should initiate the proceedings for settlement as provided under Section 67-A of U.P. Revenue Code, 2006 in accordance with law.

9. Perusal of the order of the Tehsildar demonstrates that the petitioner was not afforded proper opportunity of hearing before passing the order of ejectment and damages. Perusal of the grounds taken in appeal demonstrates that the petitioner has taken the ground that plot in question should be settled in favour of petitioner in view of the provision contained under Section 67-A of the U.P. Revenue Code, 2006, which has not been considered in the proper manner by the appellate court.

10. This Court in the case of **Rishipal Singh Vs. State of U.P. & Others 2023 (1) ADJ 154** considered the scope of the proceeding under Sections 67, 67A & 67 (5) of the Revenue Code, 2006. Paragraph No.74 of the judgment is relevant for perusal which is as under:-

"74. Thus, in my view, following guidelines be adopted as procedure to be applied to proceedings under Sections 67, 67A and 26 of the U.P. Revenue Code. It is all aimed at ensuring transparency in the procedure, judiciousness in approach by the authorities and to thwart every complaint made with ulterior and oblique motive to dislodge a long settled possession and

causing of unnecessary harassment to an innocent villager:

(i) In case of complaint made on RC Form 19, the official making it shall ensure that proper survey is done in the light of observations made in this judgment; the land, occupation of which has stood identified to be unauthorized is in exact measurement and so also shown in the survey map prepared on scale, as per the Land Revenue Survey Regulations, 1978; the exact assessment of damages on the basis of circle rate with details of calculation made on that basis.

(ii) In a case of suo motu action, before issuing RC Form 20, the authority will ensure that proper report upon RC Form 19 is submitted as per para (i) above on parameters of sub rule 1 Rule 67.

(iii) RC Form 20 must be accompanied by a copy of report and spot survey submitted along with RC Form 19 to the person against whom proceedings have been instituted, or even otherwise submitted in case of suo motu action vide para (ii) above.

(iv) Upon reply being filed to the notice, if authority finds that spot survey/explanation report is not satisfactory, it may order for a fresh spot report to be prepared in presence of the party aggrieved.

(v) In the event, objection includes a plea of statutory protection/ benefit under Section 67-A, the authority should invite the objection from the Gaon Sabha, and will decide the same alongwith the matter under Section 67, without requiring aggrieved party to move separate application under Section 67-A.

(vi) If the report is admitted on record, may be in case no objection is filed, the authority must ensure presence of the person preparing the report before it, to prove the report by his statement, with a right to aggrieved party to cross question him.

(vii) The authority must endeavour to decide the case within time framed provided under the relevant Act and the Rules and should desist from granting adjournment to the parties in a routine manner.

(viii) In case of appeal under Section 67(5) of the U.P. Revenue Code, 2006, preferred/ filed within the time prescribed alongwith interim relief application, the interim relief application as far as possible should be decided within two weeks' time with prior notice to other side and where plea of settlement under Section 67-A has been taken before Assistant Collector-1st Class, and damages to the tune of 25 % at-least of the total damages are paid and an affidavit of undertaking is filed for not raising any further construction upon the land

in question, the authorities including civil administration should avoid taking any coercive measure pursuant to the order appealed against until the disposal of interim relief application. The Appellate authority may also consider granting interim relief on the very first day of filing of appeal with stay application if above conditions are fulfilled by the appellant.

(ix) The appellate authority should as far as possible decide the appeal within a period of two months of its presentation."

11. Considering the ratio of law laid down by this Court in **Rishipal Singh (supra)**, the impugned order passed by the Tehsildar cannot be sustained in the eye of law. Since the plot in question is recorded as usar and the area which has been found in possession of the petitioner is 0.019 hectare, as such the claim of the petitioner can be considered by the authorities for settlement as provided under Section 67-A of the U.P. Revenue Code, 2006.

12. Considering the facts and circumstances of the case, the impugned order dated 26.8.2025 passed by respondent No.2 and 10.7.2024 passed by respondent No.3 are liable to be set aside and are hereby set aside. **The writ petition stands allowed** and matter is remitted back before respondent No.3/Assistant Collector Ist Class/ Tehsildar Bhadohi, District-Bhadohi to decide the aforementioned proceeding under Section 67 of U.P.Revenue Code, 2006 afresh in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties. The

respondent no.3/Assistant Collector 1st Class/ Tehsildar is further directed to follow the ratio of law laid down by this Court in the case of **Rishipal Singh (Supra)** while deciding the dispute under Section 67 of U.P. Revenue code, 2006 taking into consideration the provision contained under Section 67-A of U.P. Revenue Code, 2006

August 5, 2026
PS*/Vandana Y.

(Chandra Kumar Rai,J.)