



2026:AHC-LKO:18063-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 193 of 2026

State Of U.P. Thru. Its Prin. Secy. Revenue Deptt.
Deptt. Lko. And 3 Others

.....Appellant(s)

Versus

Dhananjay Kumar Srivastava

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Abhijeet Mishra

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE SYED QAMAR HASAN RIZVI, J.**

(C. M. Application No. 1 of 2026)

1. This is an application for condonation of delay in filing special appeal supported with affidavit.
2. Heard Shri Pratish Kumar, learned Senior Advocate assisted by Shri Anand Singh, learned Additional Chief Standing Counsel for the State and Shri Sharad Pathak, learned Senior Advocate assisted by Shri Anil Kumar Pandey and Shri Shubhangi Pujari, learned counsel for the respondent.
3. Cause shown in the affidavit filed on behalf of the application for condonation of delay in filing special appeal is sufficient.
4. The application for condonation of delay is allowed and the delay is condoned.

Order on Special Appeal

1. This is an appeal by the State under Chapter VIII rule of the Allahabad High Court Rules, 1952 and challenging the judgment and order dated 20.03.2025 passed in Writ - A No. 3012 of 2025.
2. By means of the impugned judgment a direction has been issued to the District Magistrate, Amethi to consider and decide the representation of

the respondent- petitioner and while doing so to keep in mind the judgment of this Court rendered in the case of ***Deependra Prakash Tiwari Vs. State of U.P. and Ors; Writ - A No. 1367 of 2022*** decided on 22.04.2024.

3. It is informed that against the aforesaid judgment dated 22.04.2024 the State preferred a Special Appeal which has been dismissed. A review application was filed by the State which was also dismissed on 18.02.2026. The orders have been placed before the Court. As of now, no special leave petition has been filed against the aforesaid judgment.

4. It is further informed that in ***Deependra Prakash Tiwari*** (supra) a reference was made to an earlier judgment rendered in the case of ***State of U.P. Vs. Jag Prasad Chaubey; Special Appeal No. 191 of 2024*** which was dismissed on 06.09.2024 and Special Leave Petition against the same bearing ***Special Leave Petition (Civil) Diary No. 45369 of 2025; State of U.P. and Ors. Vs. Jag Prasad Chaubey*** was also dismissed on 27.10.2025.

5. When faced with the aforesaid, learned counsel appearing for the State, though, he did attempt to make out a case based on the grounds mentioned in the special appeal but for obvious reasons as noticed hereinabove, as, similar matters have already been decided by a coordinate Bench and in one of the cases Special Leave Petition has also been dismissed as noticed hereinabove, we see absolutely no reason to interfere with the impugned judgment, especially as, it has already been complied and the benefit has been extended by the District Magistrate, Amethi to the respondent-petitioner vide order dated 02.02.2026.

6. Accordingly, the special appeal is **dismissed**.

(Syed Qamar Hasan Rizvi,J.) (Rajan Roy,J.)

March 12, 2026

R.K.P.