



2026:AHC:5956

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 10 of 2026

Sajid

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Vishal Agarwal
Counsel for Respondent(s) : C.S.C., Kaushal Kishore Mani

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Awadhesh Kumar Patel, learned Standing Counsel for State-respondents and Mr. Kaushal Kishore Mani, learned counsel for gaon sabha.

2. Brief facts of the case are that in the proceeding under Section 34 of U.P. Revenue Code, 2006, private respondent No.5 was ordered to be recorded on the basis of the registered sale deed dated 27.1.2025. In appeal filed by petitioner interim order granted in appeal has been vacated by appellate court vide order dated 9.5.2025 and revision filed by petitioner has been dismissed vide order dated 16.9.2025. Hence this writ petition for the following relief:

"I. Issue a writ, order or direction in the nature of Certiorari calling for the records and quash the impugned order dated 16.09.2025 passed by Respondent No. 2 in Case No. 3751 of 2025, Computerized Case No. R20250972003751 (Sajid Vs. Kusum) under Section 210 of the U.P. Revenue Code, 2006, along with all consequential orders pursuant thereto.

II. Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 5 not to interfere with the Petitioners' peaceful possession

over the suit property and further be please to direct the parties to maintain status quo over the suit property, during the pendency of the present writ petition."

3. Learned counsel for the petitioner submitted that respondent No.5 was ordered to be recorded over the plot in question in illegal and arbitrary manner, accordingly, petitioner has filed appeal along with stay application. He submitted that in appeal initially interim order was granted but later on interim order was vacated in illegal and arbitrary manner. He submitted that order vacating the interim order in appeal should be set aside and proper direction be issued for deciding the pending appeal in accordance with law and till the pendency of the appeal, order passed by Tahsildar should be stayed. He further submitted that suit for cancellation for sale deed dated 17.1.2025 set up by respondent No.5 is pending before civil court at the instance of petitioner.

4. I have considered the arguments advanced by learned counsel for the petitioner and perused the record.

5. There is no dispute about the fact that Tehsildar has passed the order for recording the name of respondent No.5 on the basis of sale deed dated 27.1.2025 and in appeal filed by petitioner along with stay application initially interim order was granted but later on interim order was vacated. There is also no dispute about the fact that revision filed by petitioner has been dismissed.

6. It is material to mention that civil suit filed by petitioner for cancellation of sale deed dated 27.1.2025 is pending before civil court.

7. Considering the entire facts and circumstances of the case, no interference is required in this matter.

8. The writ petition is dismissed and appellate court/ Sub Divisional Officer is directed to decide the pending appeal (Case No.4397 of 2025 Sajid vs. Kusum & others) in accordance with law

expeditiously preferably within a period of two months from the date of production of certified copy of this order before him after affording proper opportunity of hearing to the parties.

January 9, 2026

PS*

(Chandra Kumar Rai,J.)