



2026:AHC:15018

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 224 of 2026

Sarwat Husain Khan And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Ishraque Farooqui, Shailendra
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Mohd. Ishraque Farooqui, learned counsel for the petitioners, Mr. Awadhesh Kumar Patel, learned standing counsel for the state-respondents and Mr. Azad Rai, learned counsel for the respondent-land management committee.

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

"Issue a writ, order or direction in the nature of mandamus, commanding the respondent-Board of Revenue at Allahabad to decide the stay application filed by the petitioner in Second Appeal No. 1885 of 2020-2021, under Section 331(4) of U.P.Z.A. & L.R. Act, expeditiously, within stipulated period."

3. Counsel for the petitioners states that second appeal filed on behalf of the petitioners has been admitted but no interim order has been granted by the Board of Revenue. He submitted that appropriate direction be issued for the expeditious disposal of the pending stay application in the admitted second appeal.

4. I have considered the arguments advanced by learned counsel for the petitioners and perused the records.

5. There is no dispute about the fact that suit under Section 229-B of the U.P. Z.A. & L.R. Act filed on behalf of the petitioners has been dismissed by the trial court and the decree has been maintained by the 1st appellate court. There is also no dispute about the fact that

the second appeal filed by the petitioners is pending before the Board of Revenue for the last about 4 years.

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2/Board of Revenue, U.P. at Prayagraj to decide the aforementioned second appeal, after summoning the records of the trial court and the 1st appellate court, if the same have not already been received, as expeditiously as possible, preferably within a period of 3 months, from the date of production of a certified copy of this order before the court concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law. It is further directed that all the pending applications in second appeal shall be decided before deciding the second appeal by the Board of Revenue, in accordance with law.

(Chandra Kumar Rai,J.)

January 21, 2026

C.Prakash