



2026:AHC:20041

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 319 of 2026

Smt. Akhilesh Kumari @ Akhilesh Yadav And
Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mukul Yadav, Rajesh Yadav
Counsel for Respondent(s)	:	Arun Kumar Pandey, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1

1. Heard learned counsel for the petitioners, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Arun Kumar Pandey, learned counsel for Gram Sabha.

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

"(A) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 04.12.2025 (Annexure No.6 to the writ petition) passed by respondent No. 2/Board of Revenue, U.P. at Prayagraj in Case No. REV/5686/2025/Sambhal, Computerized Case No. AL20251374005686 (Smt. Akhilesh Kumari @ Akhilesh Yadav and others versus State of U.P. and others), under Section 210 of Uttar Pradesh Revenue Code, 2006 to this extent that the stay application has been rejected.

(B) Issue a writ, order or direction in the nature of mandamus direct the respondents not to interfere in peaceful possession of the petitioners."

3. Learned counsel for the petitioner submitted that lease has been executed in favour of petitioners in the year 1994. He further submitted that highly time barred cancellation proceeding has been initiated on 29.9.2023 and the lease of the petitioner has been

cancelled vide order dated 30.09.2025. He submitted that in revision filed by the petitioner before Board of Revenue prayer for interim relief has been refused in arbitrary manner. He submitted in view of ratio of law laid down by this Court in case of **Ali Sher Vs. State of U.P. through Collector, Bijnor and others**, reported in **2007 (102) RD 498**, interim protection should be granted during pendency of appeal / revision if the order under appeal/ revision has serious consequences.

4. Learned Additional Chief Standing Counsel for the State-respondents and learned counsel for the Gram Sabha submitted that petitioners are not entitled for interim protection during pendency of the revision in the facts and circumstances of this case. They further submitted that petitioners should contest revision before board of revenue rather writ petition before this Court.

5. I have considered the arguments advanced by the learned counsel for the parties and perused the record.

6. There is no dispute about the fact that petitioners were granted lease in the year 1994, which has been cancelled on the basis of time barred cancellation proceeding initiated by the private respondent No.5. There is also no dispute about the fact that in revision filed against the cancellation orders prayer for interim relief has been refused.

7. This Court in case of **Ali Sher(Supra)** has held that if order under appeal or revision has serious consequence then operation of the order must be suspended till pendency of the appeal/ revision. Paragraph Nos.4 & 5 of the judgment rendered in **Ali Sher (Supra)** will be relevant which are as under:

"4. It is well settled that once an appeal or revision is

entertained by a higher Court against an order having civil consequences stay normally should be granted to avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries.

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

8. Considering the ratio of law laid down by this Court in **Ali Sher (Supra)** as well as the order dated 29.07.2024 passed in Writ B No.2985 of 2024, the petitioners are entitled for interim relief during pendency of the revision before board of revenue.

9. Considering the entire facts and circumstances of the case, the impugned order dated 4.12.2025 passed by Board of Revenue, U.P. Prayagraj, by which interim relief has been refused is hereby set aside. **The writ petition is allowed.** Responent no.2-Board of Revenue, U.P. Prayagraj, is directed to decide the pending revision being **Case No. REV/5686/2025/Sambhal, Computerized Case No. AL20251374005686** expeditiously preferably within a period of three months from the date of production of certified copy of this Court after affording proper opportunity of hearing to the parties. It

is further directed that till the pendency of the aforementioned revision before board of revenue, the effect and operation of the impugned order dated 30.9.2025 passed by respondent No.3- Additional District Magistrate (F/R) Sambhal cancelling the petitioners' lease shall remain stayed and respondents shall not interfere with the possession of petitioners in any manner.

January 29, 2026
PS*

(Chandra Kumar Rai,J.)