



2026:AHC:19123

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 62 of 2026

Rukhsana Begum

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashish Bajpayee, Ratnesh Srivastava, Surendra Tiwari
Counsel for Respondent(s)	: Arun Kumar Pandey, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Surendra Tiwari learned counsel for the petitioner, Mr. Pankaj Kumar learned Standing Counsel for the State-respondents and Mr. Arun Kumar Pandey, learned counsel for respondent No.4-Gaon Sabha.

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

"i. issue, a writ, order or direction in the nature of certiorari quashing the impugned order dated 08.10.2025 passed by Member (Judicial), Board of Revenue U.P. at Allahabad in Revision No.3990 of 2025 (Saud Ali Khan Vs. Smt. Rukhsana Begum and others) (Annexure no.9).

ii. issue, a writ, order or direction in the nature of mandamus commanding and directing the Board of Revenue U.P. at Allahabad to decide the Revision No.3990 of 2025 (Saud Ali Khan Vs. Smt. Rukhsana Begum and others) within some stipulated period of time fix by this Hon'ble Court."

3. Learned counsel for the petitioner submitted that suit under Section 229-B of U.P.Z.A.& L.R. Act filed by respondent No.3 was decreed without framing issues and without giving opportunity of hearing to the petitioner, who was impleaded as defendant in the suit. He submitted that suit under Section 229-B of U.P.Z.A.&L.R. Act cannot be decreed without framing issues and giving parties to lead evidence in accordance with. He submitted that against the decree dated 13.1.1981 a restoration application filed by petitioner has been allowed by the Commissioner, Moradabad Division Moradabad setting aside the ex parte decree dated 13.1.1981 and matter was remitted back before trial court to decide the suit afresh after affording

opportunity to the petitioner to file written statement and lead the evidence in accordance with law. He submitted that remand order dated 13.8.2025 passed by Commissioner has been challenged by respondent No.3 by way of revision before Board of Revenue, which is pending. He submitted that vide order dated 8.10.2025 Board of Revenue has admitted the revision and granted interim order restraining the parties from creating 3rd party interest in respect to plot in question. He submitted that impugned interim order dated 8.10.2025 passed by Board of Revenue during pendency of the revision should be set aside and board of revenue be directed to decide the revision in accordance with law within time bound period.

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

5. There is no dispute about the fact that revision No.3990 of 2025 is pending before respondent No.2-Board of Revenue, U.P. Allahabad, as such Board of Revenue should decide the pending revision expeditiously as by the order impugned in revision before the Board of Revenue matter has been remanded back before trial to decide the suit under Section 229-B of U.P.Z.A.& L.R., Act in accordance with law.

6. Considering the entire facts and circumstances of the case, the instant petition is finally disposed of directing the respondent No.2-Board of Revenue, U.P. Allahabad to decide revision No.3990 of 2025 expeditiously preferably within a period of two months from the date of production of certified copy of this order before him after affording opportunity of hearing to the parties.

January 27, 2026
PS*

(Chandra Kumar Rai,J.)