



2026:AHC:15709

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1720 of 2026

Shyam Lal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shesh Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioner on the report submitted by the Revisional Lekhpal dated 17.10.2019 which was registered as Case No.00548 of 2020, Computerized Case No.T202016670400548.

2. Aggrieved against the order dated 13.12.2024 passed in the aforesaid case, Restoration Application was filed by the petitioner. It is stated in paragraph-5 of the aforesaid application that land in question is a Bhumidhar land of the petitioner. Though various grounds were taken to recall the aforesaid order that order passed in exparty manner and without considering the averments made in the Restoration application, the same was rejected by the Respondent No.3 namely Tehsildar (Judicial), Gyanpur vide order dated 14.08.2025 only on the ground that the petitioner wants to linger on the proceedings.

3. Aggrieved against the aforesaid, statutory appeal being Appeal No.1431 of 2025 was filed by the petitioner before the District Magistrate, Bhadohi which was also dismissed by him vide order dated 29.11.2025. Aggrieved against the aforesaid, the petitioner has preferred the present writ petition.

4. It is argued by Shri Shesh Kumar Srivastava, learned counsel for the petitioner that order passed by the Respondent No.3 dated 13.12.2024 was not only an exparty order but no valid /cogent reasons were assigned while passing the aforesaid order. Shri Srivastava, learned counsel for the petitioner also placed reliance upon the paragraph 74 of the judgment

passed by the Coordinate Bench Judgment of this in the Case of **Rishipal Singh vs. State of U.P. and 3 others along with connected matters** reported in **2023 (1) ADJ page 154**. Paragraph-74 of the aforesaid order reads as follows:-

"74. Thus, in my view, following guidelines be adopted as procedure to be applied to proceedings under Sections 67,67A and 26 of the U.P. Revenue Code. It is all aimed at ensuring transparency in the procedure, judiciousness in approach by the authorities and to thwart every complaint made with ulterior and oblique motive to dislodge a long settled possession and causing of unnecessary harassment to an innocent villager:

(i) In case of complaint made on RC Form 19, the official making it shall ensure that proper survey is done in the light of observations made in this judgment; the land, occupation of which has stood identified to be unauthorized is in exact measurement and so also shown in the survey map prepared on scale, as per the Land Revenue Survey Regulations, 1978; the exact assessment of damages on the basis of circle rate with details of calculation made on that basis.

(ii) In a case of suo motu action, before issuing RC Form 20, the authority will ensure that proper report upon RC Form 19 is submitted as per para (i) above on parameters of subrule 1 Rule 67.

(iii) RC Form 20 must be accompanied by a copy of report and spot survey submitted alongwith RC Form 19 to the person against whom proceedings have been instituted, or even otherwise submitted in case of suo motu action vide para (ii) above.

(iv) Upon reply being filed to the notice, if authority finds that spot survey/explanation report is not satisfactory, it may order for a fresh spot report to be prepared in presence of the party aggrieved.

(v) In the event, objection includes a plea of statutory protection/ benefit under Section 67-A, the authority should invite the objection from the Gaon Sabha, and will decide the same alongwith the matter under Section 67, without requiring aggrieved party to move separate application under Section 67-A.

(vi) If the report is admitted on record, may be in case no objection is filed, the authority must ensure presence of the person preparing the report before it, to prove the report by his statement, with a right to aggrieved party to cross question him.

(vii) The authority must endeavour to decide the case within time framed provided under the relevant Act and the Rules and should desist from granting adjournment to the parties in a routine manner.

(viii) In case of appeal under Section 67(5) of the U.P. Revenue Code, 2006, preferred/ filed within the time prescribed alongwith interim relief application, the interim relief application as far as possible should be decided within two weeks' time with prior notice to other side and where plea of settlement under Section 67-A has been taken before Assistant Collector-1st Class, and damages to the tune of 25 % at-least of the total damages are paid and an affidavit of undertaking is filed for not raising any further construction upon the land in question, the authorities including civil administration should avoid taking any coercive measure pursuant to the order appealed against until the disposal of interim relief application. The Appellate authority may also consider granting interim relief on the very first day of filing of appeal with stay application if above conditions are fulfilled by the appellant.

(ix) The appellate authority should as far as possible decide the appeal within a period of two months of its presentation. "

5. It is further argued that various grounds were taken while moving the

aforesaid restoration application but the same was rejected without assigning any reasons.

6. On the other hand, it is argued by the learned Standing Counsel as well as the counsel appearing on behalf of Gaon Sabha that the petitioner has illegal possession over the land belonging to District Head Quarter. It is argued that the aforesaid fact should also be contained in the notice issued to the petitioner, copy of which is appended as Annexure-4 to the writ petition.

7. From perusal of the aforesaid notice, it is clear that no such grounds has been taken by the authorities while issuing the aforesaid notice.

8. In this view of the matter, the Court is of the opinion that the order dated 13.12.2024 passed by the Respondent No.3 as well as the order dated 14.08.2025 passed by the Respondent No.3 are perse illegal and liable to be set aside and hereby quashed.

9. The matter is remanded back before the Respondent No.3 to decide the matter afresh. It is made clear that fresh decision be taken by him, **expeditiously**. Petitioner is directed to cooperate with the proceedings initiated in the aforesaid case and will not take any unnecessary adjournment.

10. With the aforesaid observations, the writ petition is **allowed**.

(Prakash Padia,J.)

January 21, 2026

Swati