



2026:AHC:42349

Judgment Reserved on 19.02.2026

Judgment Delivered on 25.02.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 3767 of 2026

Mohit Kumar Shukla And 2 Others

.....Petitioner(s)

Versus

Sub Divisional Magistrate And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Imran Syed, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Shri Tarun Agrawal, learned Senior Counsel assisted by Shri Imran Syed, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

2. The petitioners have preferred the present writ petition inter-alia with the prayer to quash the order dated 05.12.2025 passed by the respondent no.1 namely Sub Divisional Magistrate, Tehsil Bara, District Prayagraj in Case No. 8438 of 2024 (Santosh Kumar Shukla (Since Deceased) & Ors. Vs. National Mineral Corporation Limited & Ors.) under Section 24 of the U.P. Revenue Code, 2006. By the impugned order, the respondent no.1 has set aside the demarcation report prepared by the Revenue Inspector on the sole ground that the inspection team did not identify two fixed points before carrying out the demarcation of the plots. The petitioners sought demarcation of their plots under Section 24 of the Code, 2006.

3. It is argued that a complete procedure is prescribed under sub-rule (1) of Rule 22 of the U.P. Revenue Code Rules, 2016 for settlement of boundary dispute. It is argued that as per sub-rule (1) of Rule 22 of the Rules, 2016 owners of contiguous plots were arrayed as defendants. However, the National Mineral Development Corporation (NMDC) was also shown as a defendant. Though it did not own any contiguous plot. The only reason for including NMDC in the array of the defendants was

presence of their pillar on the plot, which according to the petitioners claim was illegally constructed.

4. It was argued that the inspection team carried out demarcation of the plots after identifying two fixed points which was evident from perusal of the report of the Revenue Inspector as endorsed by the Tehsildar on 29.05.2024. It is argued that none of the owners of contiguous plots filed any objection against the aforesaid report. In such circumstances, the respondent no.1 ought to have confirmed the report in accordance with sub-rule (10) of the Rule 22 of the Rules, 2016. However, the respondent No.1 invited objections from NMDC and proceeded to reject the inspection report on their objections that the Inspecting Team did not identify two fixed points.

5. Heard counsel for the parties and perused the record.

6. With the consent of the counsel for the parties, the writ petition is disposed of finally at the admission stage itself.

7. From perusal of the report, prima facie it appears that Inspecting Team proceeded only after identifying two fixed points - Points A and B. This aspect seems to have escaped the attention of the respondent no.1. The impugned order, therefore, has been passed on an incomplete reading of the report.

8. Apart from the same, there is another aspect to the matter. It appears from the records that no objections were filed by the contiguous land owners. Against the objection of NMDC, the petitioners had raised a specific plea in Paragraph-8 that it did not have any locus to maintain any objection in view of the language of Rule 22 of the Rules, 2016, which permits only contiguous plot owners to participate and raise objections. The respondent no.1 has also not taken the aforesaid plea of the petitioners into account before proceeding to decide the objection of NMDC.

9. In this view of the matter, impugned order dated 05.12.2025 is unsustainable and is accordingly set aside. The respondent no.1 is directed

to pass a fresh order strictly within the parameters given in Rule 22 of the Rules, 2016 particularly having regard to the stand of the petitioners that NMDC did not have any locus to maintain any objection as it was not the owner of any contiguous plots. The entire exercise shall be carried out afresh by the respondent no.1 within a period of two months from the date of production of a certified copy of this order.

10. With the aforesaid observations, the writ petition is **allowed**. No order as to costs.

(Prakash Padia,J.)

February 25, 2026

Swati