



2026:AHC:12665

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 3057 of 2024

Harischandra Singh And 2 Others

.....Petitioner(s)

Versus

State Of Up And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Adya Prasad Tewari
Counsel for Respondent(s)	:	Ashish Kumar Singh, Brajesh Shukla, C.S.C., Chandra Bhushan Dhar Dubey, Vatsala

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Adya Prasad Tiwari, learned counsel for the petitioners, Mr. Ashish Kumar Singh, learned Senior Counsel assisted by Mr. Brajesh Shukla, learned counsel for respondent no.4, Mr. B.N. Pathak, learned Standing Counsel for the State-respondents and Mr. Chandra Bhushan Dhar Dubey, learned counsel for respondent no.3/ Nagar Nigam.

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

"issue a writ, order or direction in the nature of certiorari quashing the proceedings of Revision No.2447 of 2024, Smt. Beena Srivastava vs. Haishchandra Singh and others as well as stay order dated 22.7.2024 passed by the Member Judicial, Board of Revenue, U.P. Prayagraj Shri Om Prakash Rai (Contained in Annexure Nos.11 & 13 respectively)."

3. Learned counsel for the petitioners submitted that the revision filed by respondent no.4 before the Board of Revenue against the dismissal of her appeal arising out of the proceeding under Section 116 of U.P. Revenue Code, 2006 is not maintainable as the order deciding the appeal filed by respondent no.4 will amount to decree and second appeal will be maintainable before Board of Revenue. He further submitted that the proceeding of revision be quashed as well as stay order passed by the Board of Revenue in the revision should be also quashed.

4. On the other hand, learned Senior Counsel for respondent no.4

submitted that the delay condonation application filed in support of the appeal has been rejected consequently appeal has been dismissed, as such, in view of the provisions contained under Section 209 of U.P. Revenue Code, 2006, the second appeal will not be maintainable. He further submitted that there is no illegality in passing the interim order in the revision as well as entertaining the revision by the Board of Revenue. He further submitted that revision is pending since long before the Board of Revenue, as such, petitioners should contest the proceeding before the Board of Revenue rather writ petition before this Court.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the revision filed by respondent no.4 is pending before respondent no.2/ Board of Revenue, U.P. at Allahabad against the order dismissing the appeal on the ground of limitation.

7. Since revision under Section 210 of U.P. Revenue Code, 2006 filed by respondent no.4 is pending before respondent no.2/ Board of Revenue as such it will be proper that pending revision should be decided by the Board of Revenue in accordance with law considering the contention/ objection / argument of learned counsel for the both the parties.

8. Considering the entire facts and circumstances of the case, the instant writ petition is finally disposed of directing respondent no.2/ Board of Revenue, U.P. at Allahabad to decide the *Revision No.2447 of 2024, (Smt. Beena Srivastava vs. Haishchandra Singh and others)* filed by respondent no.4 in accordance with law considering the contention / objection / argument of learned counsel for both the parties, expeditiously preferably within a period of two months from the date of production of certified copy of this order.

(Chandra Kumar Rai,J.)

January 19, 2026

Rameez