



2026:AHC:17695

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 141 of 2026

Shyam Bahadur And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashok Kumar Singh Yadav, Sanjoo Yadav, Shrikant Singh Yadav
Counsel for Respondent(s)	: C.S.C.

Court No. - 2

HON'BLE PRAKASH PADIA, J.

1. The proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioners on the report submitted by the Lekhpal dated 23.02.2023. In the said proceedings an order of eviction has been passed against the petitioners by the respondent no.3-Tehsildar (Judicial), Tehsil-Jakhaniya, District Ghazipur on 08.02.2024. Aggrieved against the aforesaid petitioners have preferred statutory appeal as provided under Section 67 (5) of the U.P. Revenue Code, 2006 being Case No.483/2024, which was rejected on 04.10.2024 hence present writ petition.

2. From perusal of the order dated 04.10.2024 passed by the appellate court it is clear that after filing of the appeal nobody was present on behalf of the petitioners before the appellate authority.

3. This fact is also admitted by counsel for the petitioners.

4. In this view of the matter, the Court is of the opinion that in place of approaching this Court against the aforesaid order dated 04.10.2024 passed by the respondent no.2, the petitioners should file a recall application before the respondent no.2 itself.

5. In this view of the matter, without interfering with the orders, which are under challenge, present writ petition is disposed of finally permitting the petitioners to file a recall application before the respondent no.2 along-with an application for condonation of delay. If such an application is filed within three weeks from today, the respondent no.2 is directed to

decide the same in accordance with law expeditiously.

6. Since the writ petition has been decided on an ex parte version without seeking any response from the respondents, thus the passing of the order today may not be construed to an expression that this Court has gone into the merits of the matter and the second respondent shall accord independent consideration strictly in accordance with law and the mandate of law holding the field.

(Prakash Padia,J.)

January 27, 2026
Pramod Tripathi