



2026:AHC:14085

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1439 of 2026

Ashok And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred the present writ petition inter-alia with the following prayers:-

"(i) Issue a writ, order or direction, in the nature of certiorari quashing the impugned order dated 04.11.2025 (Annexure No.8) passed by the respondent No.2/ Commissioner Moradabad Division Moradabad in revision case No.1503/2025 (Comp. Case No.C202513000001503) "Ashok and others Vs. Shaukat Ali and others" under Section 210 of U.P. Revenue Code, 2006 and order dated 09.07.2025 (Annexure No.6) passed by respondent No.4/ Additional District Magistrate (Judicial) District Sambhal in Case No. 664/2025 (Comp. Case No.D202513740000664) "State of U.P. Vs. Ali Bahadur and others" under Section 128 of U.P. Revenue Code, 2006.

(ii) Issue a writ, order or direction, in the nature of mandamus directing the respondent authorities not to interfere in the peaceful possession of the petitioners and maintain the status quo over the aforesaid land in dispute."

2. Apart from various other arguments, one of the argument has been raised by the counsel for the petitioner that both the aforesaid orders are liable to be set aside in view of law laid down by this Court vide judgment and order dated 02.12.2022 in paragraph-74 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. "

3. This fact is also admitted by the learned counsel for the respondents.

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

5. From perusal of records it appears that aforesaid orders were passed against the law laid down by this Court in paragraph-74 in the case of **Rishipal Singh (Supra)**.

6. In this view of the matter, order dated 04.11.2025 (Annexure No.8) passed by the respondent No.2/ Commissioner Moradabad Division Moradabad in revision case No.1503/2025 (Comp. Case No.C202513000001503) "Ashok and others Vs. Shaukat Ali and others" under Section 210 of U.P. Revenue Code, 2006 and order dated 09.07.2025 (Annexure No.6) passed by respondent No.4/ Additional District Magistrate (Judicial) District Sambhal in Case No. 664/2025 (Comp. Case No.D202513740000664) "State of U.P. Vs. Ali Bahadur and others" under Section 128 of U.P. Revenue Code, 2006 are liable to be set aside and are hereby set aside.

7. Respondent No.4 is directed to pass a fresh order in view of observations made by this Court in paragraph-74 of the judgment and order dated 02.12.2022 in the case of **Rishipal Singh (Supra)**.

8. With the aforesaid observations, the writ petition is allowed.

(Prakash Padia,J.)

January 20, 2026
Swati