



2026:AHC:19618

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1459 of 2026

Munaki

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Harish Chandra, Pramod Kumar
Counsel for Respondent(s)	:	C.S.C., Rameshwar Prasad Shukla

Court No. - 6

HON'BLE PRAKASH PADIA, J.

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

(a). Issue a writ, order or direction in the nature of Certiorari quashing the order dated 27.05.2025 passed by Respondent No. 3 in Case No. 1726 of 2024 Computerized Case No.T202415510201726 (Gaon Sabha Versus Munaki) under Section 67 of Uttar Pradesh Revenue Code, 2006 and order dated 14.11.2025 passed by Respondent No. 2 in Appeal No. 1031 of 2025 Computerized Case No. D202515510001031 (Munaki Versus Tehsildar) under Section 67(5) of Uttar Pradesh Revenue Code, 2006, otherwise the petitioner shall suffer an irreparable loss and injury.

(b). Issue a writ, order or direction in the nature of Mandamus directing the respondents not to interfere in the peaceful possession of the Petitioner over the Gata No.308 area 0.020 Hectare situated at Village Auraadaar Paragna and Tehsil Ghosi, District Mau."

2. Facts in brief as contained in the writ petition are that the proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioner which was registered as Case No.1726 of 2024, Computerized Case No.T202415510201726. The same was allowed by the Respondent No.3 vide order dated 27.05.2025. By the aforesaid order the petitioner was evicted.

3. Aggrieved against the aforesaid, statutory appeal under Section 67(5) was filed which was registered as Case No.1031 of 2025, Computerized Case No.D202515510001031. The said appeal was dismissed by the District Magistrate, Mau/ Collector, Mau on 14.11.2025. Counsel for the petitioner placed reliance upon the report submitted by the Lekhpal dated 10.02.2025. It is stated in the aforesaid report that the petitioner is not entitled for the benefit of Section 67(1) of the U.P. Revenue Code, 2006.

4. It is argued that without considering the same, orders passed against the petitioner

which is perse illegal and liable to be set aside.

5. Apart from various other arguments, one of the arguments has been raised by counsel for the petitioner that aforesaid orders were passed in complete violation of the procedure prescribed in para-74 passed in the case of ***Rishipal Singh and others Vs. State of U.P. and others reported in 2023 (1) ADJ 154*** hence the same are liable to be set aside.

6. This fact is also admitted by counsel for the respondents.

7. In view of the same, since the order dated 27.05.2025 passed by the Respondent No.3 in Case No. 1726 of 2024 Computerized Case No.T202415510201726 (Gaon Sabha Versus Munaki) under Section 67 of Uttar Pradesh Revenue Code, 2006 and order dated 14.11.2025 passed by Respondent No. 2 in Appeal No. 1031 of 2025 Computerized Case No. D202515510001031 (Munaki Versus Tehsildar) under Section 67(5) of Uttar Pradesh Revenue Code, 2006 were passed in complete violation of procedure prescribed in the case of ***Rishipal Singh (supra)***, the same are liable to be set aside and hereby quashed.

8. The writ petition is **allowed**. No order as to costs.

9. The respondent No.3/Tehsildar (Judicial), Tehsil- Ghosi, District Mau 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)***, expeditiously and preferably within a period of four months from today.

January 29, 2026

Swati

(Prakash Padia,J.)