



2026:AHC:25249

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 403 of 2026

Kishan Singh

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s) : Punya Sheel Pandey

Counsel for Respondent(s) : Avinash Chandra Srivastava, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Hari Mohan Srivastava, learned Addl. C.S.C. for the state-respondents and Sri Avinash Chandra Srivastava, learned counsel for the respondent-gaon sabha.

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

"Issue an appropriate writ, order or direction for quashing the impugned judgment and order dated 9.10.2025 passed by respondent no.2 in Revision No.413 of 2025 (Computer Case No.AG2025015000413) (Har Prasad vs. Kishan Singh and Others) (Annexure No.12 to the writ petition)."

3. Counsel for the petitioner states that in the proceeding under Section 34 of the U.P. Land Revenue Act, 1901, an order was passed by the Tehsildar for recording the name of the private respondent in illegal and arbitrary manner. He submitted that revision was filed on behalf of the petitioner before the Commissioner which was allowed in part and the matter was remanded back before the Tehsildar to decide the proceeding afresh in accordance with law. He submitted that against remand order, revision has been filed by the private respondent before the Board of Revenue which has been entertained and an interim protection has been granted in arbitrary manner, as such, the impugned order, granting interim protection in revision, should be set aside and the Board of Revenue be directed to decide

the revision in accordance with law.

4. On the other hand, learned Addl. C.S.C. for the State and the counsel for the gaon sabha submitted that the writ petition is not maintainable against the interim order granted in pending revision by the Board of Revenue. They further submitted that the petitioner should contest the proceeding of revision before the Board of Revenue rather the writ petition before this Court.

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

6. There is no dispute about the fact that in revision filed by the private respondents, arising out of the proceeding under Section 34 of the U.P. Land Revenue Act is pending before Board of Revenue and interim order staying the order impugned, remanding the matter before the Tehsildar, has been stayed.

7. Since the revision filed by the private respondent is pending before the Board of Revenue and an interim order is operating, as such, petitioner should appear before the Board of Revenue and contest the proceeding before Board of Revenue in accordance with law.

8. Considering the entire facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2/Board of Revenue, Circuit Court No.2, Agra to decide the Revision No.413 of 2025, as expeditiously as possible, preferably within a period of 3 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

(Chandra Kumar Rai,J.)

February 5, 2026

C.Prakash