



2026:AHC:22734

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 412 of 2026

Pradeep Kumar

.....Petitioner(s)

Versus

State Of U.P. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vishal Khandelwal
Counsel for Respondent(s)	:	C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Stamp Reporting Section has reported laches of 4273 days in filing the instant writ petition. Explanation for the laches has been given in paragraph no.18 of the writ petition.
2. Heard Mr. Vishal Khandelwal, learned counsel for the petitioner and Mr. R.S. Parihar, learned Standing Counsel for the State-respondents.
3. Brief facts of the case are that the dispute relates to plot nos.612, 160, 231 situated in Mauja- Gwalara, Pargana & Tahsil- Gabhana, District- Aligarh. One Reoti Devi wife of Charan Singh was the co-tenure holder of the 1/2 share of the aforementioned disputed plots. Petitioner claimed the right being adopted son of Reoti Devi on the basis of registered adoption deed dated 3.8.1987. A sale deed executed on 26.7.2001 was setup by respondent nos.6 to 8 (daughter of Reoti Devi). A civil suit no.675 of 2025 filed by petitioner as well as Reoti Devi for cancellation of sale deed dated 26.7.2001/ 27.7.2001 as well as for permanent injunction is pending before Civil Judge Senior Division, Aligarh. In the proceeding under Section 34 of U.P. Land Revenue Act, 1901 an order was passed by Tahsildar on 18.5.2002 for recording the name of

respondent nos.6, 7 & 8 on the basis of sale deed dated 26.7.2001. Restoration application dated 13.6.2002 filed by petitioner against the order dated 18.5.2002 was dismissed vide order dated 10.1.2003. Appeal under Section 210 of U.P. Land Revenue Act filed by petitioner against the orders of Tahsildar dated 18.5.2002 & 10.1.2023 was heard and dismissed by the Sub-Divisional Officer vide order dated 27.9.2004. Revision under Section 219 of U.P. Land Revenue Act, 1901 filed by petitioner was heard and allowed by the Additional Commissioner vide order dated 21.9.2006 setting aside the appellate order dated 27.9.2004 and remitted the matter back before Tahsildar to decide the restoration application dated 13.6.2002 afresh in accordance with law. Respondent no.6 challenged the order dated 21.9.2006 passed by Additional Commissioner before the Board of Revenue by way of revision. Board of Revenue vide order dated 17.2.2014 allowed the revision, set aside the revisional order dated 21.9.006 passed by Additional Commissioner and observed that the order passed in the summary proceeding shall be subject to the adjudication of dispute by civil Court. Hence this writ petition for the following relief:

"issue a writ order or direction in the nature of certiorari quashing the impugned order dated 17.2.2014 (Annexure No.1) passed by the respondent no.2 / Board of Revenue, U.P. at Lucknow in Revision No.1853/ LR/ 2006-07."

4. Learned counsel for the petitioner submitted that the revision filed by respondent no.6 has been illegally entertained and allowed against the remand order passed by the Additional Commissioner in revision. He further submitted that Additional Commissioner has rightly remanded the

matter before the Tahsildar to decide the restoration application afresh, as such, there was no occasion to interfere with the remand order passed by the Additional Commissioner in revision. He further submitted that the petitioner is claiming right on the basis of registered adoption deed which has been maintained in the civil suit filed for cancellation of the adoption deed, as such, petitioner's claim cannot be refused by the Tahsildar in the proceeding under Section 34 of U.P. Land Revenue Act, 1901. He further submitted that it is correct that the petitioner has filed a civil suit for cancellation of the sale-deed setup by the private respondents but the right of the petitioner on the basis of registered adoption deed cannot be refused. He further submitted that order passed by the Board of Revenue should be set aside and Tahsildar should decide the restoration application in pursuance of the remand order passed by the Additional Commissioner in revision.

5. On the other hand, learned Standing Counsel for the State submitted that there is laches of more than 11 years in filing the instant writ petition, as such, writ petition should be dismissed on the ground of laches. He further submitted that the civil suit for cancellation of the sale deed filed by the petitioner is pending before the civil Court, as such, there is illegality in the order of the Board of Revenue to record the name of private respondents over the plot in question on the basis of sale-deed with observation that the order passed in the summary proceeding shall be subject to the adjudication of dispute by the Civil Court.

6. I have considered the argument advanced by learned counsel for the petitioner, learned Standing Counsel for the State and perused the records.

7. There is no dispute about the fact that that Tahsildar has passed the

order for recording the name of private respondent on the basis of registered sale deed dated 26.7.2001 and restoration application filed against the order of Tahsildar has been rejected. There is also no dispute about the fact that appeal filed by petitioner was dismissed but revision filed by petitioner was allowed and matter was remitted back before the Tahsildar to decide the restoration application dated 13.6.2002 afresh. There is also no dispute about the fact that the Board of Revenue has set aside the order of Additional Commissioner and maintained the order of Tahsildar for recording the name of private respondent.

8. It is material to mention that the civil suit no.675 of 2025 filed by petitioner for cancellation of the sale deed dated 26.7.2001/ 27.7.2001 as well as for permanent injunction is pending before the civil Court. It is also material to mention that the revision filed by private respondent arising out of the proceeding under Section 34 of U.P. Land Revenue Act, 1901 was allowed 11 years before maintaining the order of mutation passed in favour of private respondent, as such, filing of the instant writ petition in the year 2026 challenging the order dated 17.2.2014 passed by Board of Revenue in revision 11 years before is abuse of process of law.

9. Considering the entire fact and circumstances of the case, there is no illegality in the order impugned dated 17.2.2014 passed by the Board of Revenue maintaining the mutation order was passed in favour of the private respondent on the basis of registered sale deed with clarification that the order passed in the summary proceeding shall be subject to the adjudication of dispute by the civil Court.

10. No interference is required against the impugned order passed by the Board of Revenue in the proceeding under Section 34 of U.P. Land

Revenue Act, 1901.

11. The writ petition is *dismissed accordingly*.

(Chandra Kumar Rai,J.)

February 3, 2026
Rameez