



2026:AHC:17165

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 5354 of 2025

Rajendra

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dwijendra Prasad
Counsel for Respondent(s)	:	C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner and Mr. Sharad Chandra Singh, learned Additional Chief Standing Counsel for the State-respondents and Mr. Krishna Kant Singh, learned counsel for the Gaon Sabha.

2. With the consent of learned counsel for the parties, the instant writ petition is heard finally without inviting counter affidavit.

3. The instant petition has been filed for the following reliefs:

"(i) Issue a writ, order or direction in nature of certiorari quashing the impugned order dated 06-06-2025 (Annexure no.1 to this writ petition) by which the earlier interim order dated 04-06-2025 has been rejected by Board of Revenue U.P. at Prayagraj in revision no. 5254 of 2024 (Computerized case no. AL20241802005254) (Rajendra and others VIS State of U.P. and others) under section 333 of the U.P.Z.A and I.R. Act regarding rejection of stay application.

(ii) Issue a writ, order or direction in nature of mandamus to stay the effect and operation of order dated 06-06-2025 (Annexure no.1 to this writ petition) by which the earlier interim order dated 04-06-2025 has been rejected by Board of Revenue U.P. at Prayagraj in revision no. 5254 of 2024 (Computerized case no.AL20241802005254) (Rajendra and others V/S State of U.P. and others) under section 333 of the U.P.Z.A. and L.R. Act, during the pendency of appeal before Additional Commissioner, and to direct the respondents not to dispossess the petitioner from land in dispute, and status-quo may be maintained during pendency of appeal before respondent no.2, otherwise the petitioner shall suffer irreparable loss and hardship."

4. Learned counsel for the petitioner submitted that the Board of Revenue has entertained the revision filed by petitioner arising out of proceeding under Section 198 (4) of U.P. Zamindari Abolition & Land Reforms Act, 1950 (hereinafter referred to as "U.P.Z.A. & L.R. Act") and granted interim order on 4.6.2025. He further submitted that after two day, interim order granted by the Board of Revenue has been vacated without any notice and opportunity of hearing to the petitioner.

5. Learned Additional Chief Standing Counsel for the State-respondent submitted that no interference is required against the interlocutory order passed by the Board of Revenue during pendency of the revision. He further submitted that the petitioner should appear in the pending proceeding before the Board of Revenue rather writ petition before this Court.

6. I have considered the argument advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that the revision filed by the petitioner against the order of cancellation of his agriculture lease is pending before the Board of Revenue. There is also no dispute about the fact that initially interim order was granted by the Board of Revenue on 4.6.2025. There is also no dispute about the fact that on 6.6.2025, Board of Revenue has vacated the interim order dated 4.6.2025.

8. It is material to mention that the petitioner was granted agriculture lease on 26.11.1992, which has been cancelled by the Court and revision is pending before the Board of Revenue who initially granted interim order and fixed the date for disposal of revision but just after two day without any notice and opportunity of hearing to the petitioner, the interim order granted in revision has been vacated which is not proper exercise of jurisdiction by the Board of Revenue.

9. The Board of Revenue should decide the revision on merit and maintained the interim order during pendency of the revision as petitioner was granted agriculture lease in the year 1992.

10. This Court in the case reported in **2007 (102) RD 498, Ali Sher Vs.**

State of U.P. Through Collector, Bijnor and Others has held that the interim protection be granted during pendency of appeal / revision if the order under appeal / revision has serious civil consequences.

Paragraph Nos.4 & 5 of the judgment is relevant which are as follows:

"4. It is well settled that once an appeal or revision is entertained by a higher Court against an order having civil consequences stay normally should be granted to avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries."

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

11. Considering the entire facts and circumstances of the case as well as the law laid down by this Court in ***Ali Sher (supra)***, the instant writ petition is allowed and impugned order dated 6.6.2025 passed by respondent no.2/ Board of Revenue is set aside. It is directed that respondent no.2/ Board of Revenue, U.P., Prayagraj shall decide the aforementioned revision, expeditiously preferably within period of two months from the date of production of certified copy of this order. It is further directed that effect and operation of the order dated 30.3.2019 passed by Additional Collector, Aligarh shall remain in abeyance till the pendency of the revision before the Board of Revenue.

(Chandra Kumar Rai,J.)

January 22, 2026
Rameez