



2026:AHC:1627

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 3127 of 2018

Kamla Devi

.....Petitioner(s)

Versus

Board Of Revenue Lucknow And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Durgesh Kumar, Pradeep Kumar Dwivedi
Counsel for Respondent(s)	: C.S.C., Hari Prakash Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Durgesh Kumar, learned counsel for petitioner and Sri Ajai Kumar Barnwal, learned Standing Counsel for the State.

2. Brief facts of the case are that proceedings under Section 34 of U.P. Land Revenue Act was initiated on the basis of sale deed dated 03.10.2011 executed in favour of petitioner/Smt. Kamla Devi by the recorded tenure holder Smt. Dhaneshra. Tehsildar vide order dated 13.10.2016 directed to record the name of petitioner-Kamla Devi on the basis of sale deed dated 03.10.2011. Respondent no. 4-Vidyadhar filed revision, under Section 219 of U.P. Land Revenue Act challenging the order dated 13.10.2016 passed by Tehsildar before the Board of Revenue, which was dismissed vide order dated 15.12.2016. Respondent no. 4-Vidyadhar filed a Writ-B No. 12272 of 2017, which was dismissed by this Court vide order dated 24.03.2017 with observation that order passed in mutation proceeding shall necessarily abide by final orders passed in the title suit, under Section 229B of U.P.Z.A. & L.R. Act. After dismissal of the writ petition filed by respondent no. 4, a review application has been filed before the Board of Revenue and Board of Revenue has granted interim order on 24.05.2017. Hence, this writ petition for following reliefs:-

"i. To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 24.05.2017 passed by the Hon'ble Board of Revenue at Lucknow in Review Application No. 862 of 2017 of Land Revenue Act.

ii. To issue a writ, order or direction in the nature of mandamus commanding and restraining the Respondents to interfere in the peaceful possession of the petitioner over the Khata No. 672 Plot No. 758 area 0.364 and Khata No.543 Plot No. 477 area 0.089 hectare and Plot No. 524, Ka area 0.1210 hectare situated in Mauja Kochari, Post Sureri Pargana and Tehsil Madiyahu, District Jaunpur.

iii. To issue any other & further order, as this Hon'ble Court

may deem fit & proper in the facts and circumstances of the case.

iv. To award cost of the writ petition to the petitioner."

3. This Court entertained the matter on 23.03.2018 and stayed the operation of the order dated 24.05.2017 passed by the Board of Revenue. The order dated 23.03.2018 runs as under:-

"The orders passed by the Board of Revenue dated 24.05.2017 has been challenged on the ground that the review application was filed by the respondent no.4 after dismissal of his writ petition vide judgement and order dated 24.03.2017. And as such it was not maintainable and moreover, the interim order dated 24.05.2017 has been obtained by respondent no.4 by concealment of said fact. On the review application filed by the respondent no.4, there was no justification to pass an interim order while issuing notice to the contesting respondent namely the petitioner herein.

The matter requires consideration.

Issue notice to respondent nos.4 returnable at an early date.

Steps to be taken within one week by both ways i.e. by registered post A.D as well as ordinary process.

List on the date fixed in the notice.

Till the next date of listing, the effect and operation of the order dated 24.05.2017 passed by the Board of Revenue in Review Application No.862 of 2017 arising out of order dated 15.12.2016 shall remain stayed."

4. Notice was issued to respondent no. 4 accordingly, vakalatnama has been filed on 20.04.2018, but no counter affidavit has been filed by respondent no. 4. Hence, there is no option accept to decide the instant writ petition on the basis of averment made in the instant writ petition. It is also material to mention that Suit under Section 229B of the U.P.Z.A. & L.R. Act filed by private respondent no. 4 has been decided by trial Court.

5. Learned counsel for petitioner submitted that in the proceeding under Section 34 of the U.P. Land Revenue Act, the petitioner was ordered to be recorded on the basis of registered sale deed, which has not been cancelled by any Court till date. He further submitted that revision filed by the respondent no. 4 was dismissed by Board of Revenue and writ petition filed by respondent no. 4 was also dismissed by this Court. He next submitted that after dismissal of the writ petition respondent no. 4 has filed review application, in which Board of Revenue has granted interim order. He submitted that respondent no. 4 has already filed a Suit under Section 229B of U.P.Z.A. & L.R. Act, as such the filing of review

application before Board of Revenue is total abuse of the process of law. He further submitted that proceeding of the review application as well as the interim order passed in the revenue application should be quashed.

6. I have considered the argument advanced by the learned counsel for the petitioner and perused the record.

7. There is no dispute about the fact that petitioner was ordered to be recorded on the basis of registered sale deed under Section 34 of the U.P. Land Revenue Act. There is also no dispute about the fact that revision filed by respondent no. 4 was dismissed by Board of Revenue and writ petition filed by respondent no. 4 was also dismissed by this Court. There is also no dispute about the fact that after dismissal of the writ petition, the revenue application has been filed by respondent no. 4, which has been entertained and interim order has been granted by Board of Revenue.

8. It is material to mention that after recording of the name of petitioner on the basis of registered sale deed, the revision as well as writ petition filed by respondent no. 4 were dismissed, hence, there was no justification to file a review application by respondent no. 4 before Board of Revenue. It is also material to mention that Suit under Section 229 B of the U.P.Z.A. & L.R. Act has already been filed by respondent no. 4, as such the filing of review application before Board of Revenue against the order passed in the proceedings under Section 34 of U.P. Land Revenue Act is total abuse of process of law.

9. Considering the entire facts and circumstances of the case, the impugned order dated 24.05.2017, passed by Board of Revenue in Review Application No. 862 of 2017 is set-aside as well as the Review Application No. 862 of 2017 filed by respondent no. 4 is also **rejected**.

10. Petitioner is directed to file a certified copy of this order before Board of Revenue, Lucknow in Review Application No. 862 of 2017 for passing necessary order in the matter.

11. The writ petition is **allowed**.

12. No order as to costs.

(Chandra Kumar Rai,J.)

January 5, 2026
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