



2026:AHC:13643

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - B No. - 2810 of 1993**

Bhura And Another

.....Petitioner(s)

Versus

Board Of Revenue U.P. At Allahabad And
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dinesh Kumar Mishra, Mahesh Kumar Dubey, Mahesh Sharma, Praveen Kumar Shukla, Shravan Kumar Srivastava, Syed Safdar Ali Kazmi, Umesh Singh, Vinod Sinha
Counsel for Respondent(s)	:	S.C., Sunil Kumar Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

Re: Civil Misc. Impleadment Application No. 153746 of 2012

1. The instant impleadment application has been filed on behalf of the Bhajan Lal and six others to implead them as petitioners in the writ petition.
2. No one is present to press this application.
3. The applicants cannot be impleaded in the writ petition as petitioners rather they could file their separate with petition, if any order affecting their right and title has been passed.
4. The impleadment application is ***rejected*** accordingly.

**Re: Civil Misc. Delay Condonation Application No. 11 of 2025
and Civil Misc. Substitution Application No. 12 of 2025**

1. Heard learned counsel for the petitioners-applicants.
2. The instant substitution application has been filed in respect to deceased the petitioner no. 2, along with the application for condonation of delay with the prayer that word deceased be

mentioned against the name of the petitioner no. 2 and note be made that heirs of petitioner no. 2 is already on record as petitioner no. 1.

3. Let the word "deceased" be mentioned against the name of petitioner no. 2, and note be made that the legal heir of petitioner no. 2 is already on record as petitioner no. 1.

4. The applications are, accordingly ***disposed of***.

Order on Writ Petition

1. Heard Mr. Dinesh Kumar Mishra, learned counsel for the petitioners, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for State-respondents and Mr. Sunil Kumar Singh, learned counsel for Gaon Sabha.

2. Brief facts of the case are that the petitioners were granted agriculture lease in respect of plot no. 214. Copy of ZA Form No. 57-Kha and CH. Form No.45 are annexed alongwith the supplementary affidavit dated 24.04.2025. The CH Form No. 45 demonstrates that plot no. 214 was recorded as Navin Parti in the records. Plot no. 112 which was recorded as Pokhar was allotted to Munshi and Ram Singh. The cancellation 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 was initiated and the Additional Collector, Bulandshahar, vide order dated 20th February, 1979 cancelled the allotment in respect of plot no.112 which was record as pokhar as well as plot no. 214 which was not recorded as pokhar. The petitioners challenged the order dated 20th February, 1979 by way of revision before the Commissioner Meerut, Division Meerut which was dismissed vide order dated 16.10.1981 by Additional Commissioner. The petitioners challenged the order of Additional Collector, Bulandshahar as well as Additional Commissioner Meerut, Division Meerut before the Board of Revenue by way of revision which was dismissed by the Board of Revenue vide order dated 18.11.1992. Hence, this writ petition filed on behalf of the petitioners for the following relief:

"a. Issue a writ order or direction in the nature of Certiorari quashing the orders dated 18.11.1992, 16.10.1981 and 20.2.1979.

b. Issue a writ of Mandamus commanding opposite parties Nos. 1, 2 and 3 not to give effect to their impugned orders.

c. Issue any other writ or direction in any nature that this Court may find just and expedient in the ends of Justice.

d. Award of cost of the writ petition to the petitioners."

3. This Court entertained the matter on 28.01.1993 and granted interim protection staying the dispossession of the petitioners from the plot in dispute in pursuance of impugned order passed by the Revenue Authority.

4. No counter affidavit has been filed by the State and Gaon Sabha for last more than 32 years as such there is no option except to decide the writ petition on merit.

5. Learned counsel for the petitioners has submitted that the petitioners were rightly allotted plot in dispute which was recorded as Navin Parti in the revenue record. He placed ZA Form No. 57-Kha in order to demonstrate petitioners alongwith Ram Dayal were granted lease in question but lease of Ram Dayal in respect to plot no.214 has been maintained and petitioners lease has been cancelled. He placed CH Form No. 45 annexed with supplementary affidavit dated 24.04.2025 to demonstrate that the plot no. 214 was recorded as Navin Parti. He submitted that the lease of the petitioners has been cancelled in arbitrary manner recording the finding that another plot no. 112 was recorded as pokhar. He submitted that petitioners plot was not recorded as pokhar, as such the petitioners lease cannot be cancelled on the reasoning given by the Additional Collector, Bulandshahar in respect of another plot no. 112. He submitted that there was no evidence on record that petitioners were having land recorded in their name so that agriculture lease cannot be executed in their favour. He submitted that revision filed by the petitioners has also been dismissed by the Additional Commissioner Meerut Division, Meerut as well as the Board of Revenue in arbitrary manner without considering the case of petitioners in accordance with law. He submitted that in view of

the entry of plot no. 214 and ZA Form No. 57-Kha prepared in the name of the petitioners in respect to the plot no. 214, the impugned order cannot be sustained in eye of law. He submitted that this Court has granted interim protection and the petitioner is still continuing in possession over the plot in dispute, as such impugned order should be set aside and the petitioners' entry in respect to the plot in question be maintained.

6. On the other hand, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Sunil Kumar Singh, learned counsel for Gaon Sabha submitted that the Additional Collector, Bulandshahar has also recorded finding against the petitioners to the effect that the petitioners were not eligible for the lease. They further submitted that proper procedure has not been followed for grant of agriculture lease in favour of the petitioners, therefore, there is no illegality in the order passed by the Additional Collector, Bulandshahar cancelling the petitioners' lease in respect to plot no. 214. They submitted that the Additional Commissioner, Meerut Division, Meerut has also recorded finding that the petitioners have not filed the proof of execution of agriculture lease in their favour as such the revision was dismissed by the Additional Commissioner, Meerut Division, Meerut. They further submitted that the Board of Revenue has also dismissed the revision filed by petitioners as such no interference is required and the writ petition filed by the petitioners is liable to be dismissed.

7. I have considered the arguments advanced by the counsel for the parties and perused the record.

8. There is no dispute about the fact that agriculture lease executed in the year 1976 in favour of the petitioners in respect to plot no. 214 was cancelled by the Additional Collector, Bulandshahar and the order was maintained in revision by the Additional Commissioner, Meerut Division, Meerut as well as the Board of Revenue.

9. Perusal of Z.A Form No. 57-Kha demonstrate that the

petitioners alongwith Ram Dayal were allotted plot no. 214 by the authority on 14.11.1976. The CH Form No.45 annexed alongwith the supplementary affidavit dated 24.04.2025 demonstrate that plot no. 214 was recorded as Navin Parti.

10. No counter affidavit has been filed by the State and Gaon Sabha bringing on record that petitioners were not eligible for allotment and plot in question was not recorded as Navin Parti. There is no denial of the averment made in the writ petition as such argument advanced by learned counsel for respondents cannot be accepted.

11. The Additional Collector, Bulandshahar has maintained the agriculture lease of Ram Dayal in respect to same plot no. 214 who was granted agriculture lease by the same ZA Form 57-Kha but cancelled the petitioners lease in respect to plot no.214 on misconceived ground that petitioners were not eligible and proof of execution of lease has not been produced which is illegal exercise of jurisdiction.

12. Considering the entire facts and circumstances of the case, the impugned orders dated 18.11.1992 passed by the respondent no.1-Board of Revenue, U.P. At Allahabad, order dated 16.10.1981 passed by the respondent no. 2-Additional Commissioner, Meerut Division, Meerut and the order dated 20.02.1979 passed by the respondent no. 3-Additional Collecotor, Bulandshahar are liable to be set aside and the same are hereby set aside.

13. The writ petition stands **allowed**. The authorities are directed to correct the entry of the plot in question forthwith.

14. No orders as to cost.

January 19, 2026
Vikram

(Chandra Kumar Rai,J.)