



2026:AHC:24372

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1319 of 2026

Som @ Sharda Prasad

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bachan Singh, Vimal Kumar Pandey
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred the present petition with the following prayers :-

1. It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to set aside the impugned order dated: 05.08.2025 passed by the Learned Court of Collector/District Magistrate, Tehsil-Khaga, District: Fatehpur, Division: Prayagraj in Suit No.490/2025 of Computerized Case No:D202502250000490 (Som @ Sharda Prasad vs. State).

2. It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the impugned order dated: 05.08.2025 passed by the Learned Court of Collector/District Magistrate, Tehsil-Khaga, District Fatehpur, Division: Prayagraj in Suit No.490/2025 of Computerized Case No:D202502250000490 (Som @ Sharda Prasad vs. State)."

2. Facts in brief as contained in the writ petition are that the proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioner which was registered as Case No.02226 of 2020, Computerized Case No.T202002250302226. The same was allowed by the Respondent No.3 vide order dated 04.12.2023. By the aforesaid order the petitioner was evicted.

3. Since the aforesaid order was passed in ex-party manner, a recall application was filed which was registered as Case No.RST/356/2025,

Computerized Case No.T202502250300356 and the same was dismissed vide order dated 10.01.2025. Aggrieved against the aforesaid, statutory appeal under Section 67(5) was filed which was registered as Case No.490 of 2025, Computerized Case No.D202502250000490. The said appeal was dismissed by the District Magistrate, Tehsil-Khaga, District Fatehpur, Division Prayagraj on 05.08.2025.

4. It is argued that order passed by the Respondent No.3 against the petitioner is not only ex-party order but the same has been passed without assigning any reasons. From perusal of the aforesaid, the Court is of the prima facie opinion that the aforesaid order was passed without assigning any reasons, hence the same is liable to be set aside.

5. Though aforesaid facts were duly noted by the Respondent No.2 in its order passed in the appeal but the same has not been taken into consideration in the entire order, hence the order passed in the appeal by the Respondent No.2 is liable to be set aside.

6. Apart from various other arguments, one of the arguments has been raised by counsel for the petitioner that aforesaid orders were passed in complete violation of the procedure prescribed in para-74 passed in the case of **Rishipal Singh and others Vs. State of U.P. and others** reported in **2023 (1) ADJ 154** hence the same are liable to be set aside.

7. This fact is also admitted by counsel for the respondents.

8. In view of the same, since the order dated 04.12.2023 passed by the Respondent No. 3- Assistant Collector/ Tehsildar, Tehsil-Khaga, District Fatehpur, Division Prayagraj in Case No.02226 of 2020, Computerized Case No.T202002250302226 under Section 67 of Uttar Pradesh Revenue Code, 2006 as well as order dated 05.08.2025 passed by the Collector/District Magistrate, Tehsil-Khaga, District: Fatehpur, Division: Prayagraj in Suit No.490/2025 of Computerized Case No:D202502250000490 (Som @ Sharda Prasad vs. State) under Section 67(5) of Uttar Pradesh Revenue Code, 2006 were passed in complete violation of procedure prescribed in the case of **Rishipal Singh (supra)**, the same are liable to be set aside and hereby quashed.

9. The writ petition is **allowed**. No order as to costs.

10. The respondent No.3/Assistant Collector/ Tehsildar, Tehsil-Khaga, District Fatehpur, Division Prayagraj is directed to pass a fresh order in view of observations made by this Court in paragraph-74 of the judgment and order dated 02.12.2022 in the case of **Rishipal Singh (Supra)**, expeditiously and preferably within a period of four months from the date of presentation of of certified copy of this order.

(Prakash Padia,J.)

February 4, 2026

Swati