



2026:AHC:27953

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 237 of 2026

Moin Uddin And 8 Others

.....Petitioner(s)

Versus

State Of U.P. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s) : Rajesh Kumar Singh, Vinod Kumar Bhartiya
Counsel for Respondent(s) : Ambuj Srivastava, C.S.C., Pankaj Kumar Srivastava, Suresh Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Rajesh Kumar Singh, learned counsel for the petitioners, Mr. Babban Singh, learned Standing Counsel for the State-respondents, Mr. Ambuj Srivastava, learned counsel for respondent No.6, Mr. Suresh Singh, learned counsel for respondent No.5-Nagar Palika Parishad.

2. The instant writ petition has been filed for the following relief:-

"(1) issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 6.11.2025 passed by respondent Board of Revenue in Revision No.3913 of 2025, Hublal & others versus Mohd. Nijamuddin & others under Section 210 of U.P.Revenue Code, 2006 (contained in Annexure No.1 to writ petition) only to the extent whereby it stayed the effect and operation of order dated 2.8.2025 passed by respondent Commissioner (contained in Annexure No.6 to writ petition).

(II) issue a writ, order or direction in the nature of mandamus directing the parties to maintain status quo during pendency of proceeding under Section 229B of U.P.Z.A. & L.R. Act, 1950 (new corresponding Section 144 U.P.Revenue Code, 2006) before the respondent Assistant Collector to be concluded under the order dated 2.8.2025 passed by respondent

Commissioner (contained in Annexure No.6 to writ petition)"

3. Learned counsel for the petitioners submitted that suit under Section 229-B of U.P.Z.A. & L.R. Act filed by the private respondents was decreed by trial court but in appeal, judgment and decree passed by trial court has been sent aside and matter has been remanded back before trial court to decide the suit afresh after affording the opportunity of hearing to the parties as well as to lead the evidence. He submitted that revision filed by private respondents has been entertained and interim order has been granted in arbitrary manner, as such the order granting the interim protection in revision should be set aside and board of revenue be directed to decide the revision afresh. He placed the finding recorded by first appellate court while remanding the matter before trial court, in order to demonstrate that judgment and decree passed by trial court has been rightly set aside in appeal and matter has been remanded back before trial court to decide the suit afresh.

4. On the other hand, learned counsel for the private respondents submitted that no interference is required against the interim order granted by the Board of Revenue in revision. He submitted that reason has been assigned under the impugned order while granting interim protection in revision. He further submitted that first appellate court has remanded the matter before trial court for fresh adjudication which is abuse of process of law as such interim order is very much required in the revision otherwise revision will become infructuous.

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

6. There is no dispute about the fact that suit under Section 229-B of U.P.Z.A&L.R. Act filed by private respondents was decreed by trial court but in appeal, judgment and decree of trial court has been set aside and matter has been remanded back before trial court. There is also no dispute about the fact that revision filed by

private respondents has been entertained and interim protection has been granted.

7. Considering the fact that first appellate court has remanded the matter before the trial court for fresh adjudication, which is under challenge before board of revenue by way of revision, as such there is no illegality in granting the interim protection during pendency of the revision before board of revenue.

8. Considering the entire facts & circumstances of the case, **the instant petition is finally disposed of** directing respondent No.2- Board of Revenue to decide the aforementioned revision filed by private respondent nos. 6 to 8 expeditiously preferably within a period of three months from the date of production of certified copy of this order.

February 9, 2026

PS*

(Chandra Kumar Rai,J.)