



2026:AHC:49100

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 288 of 2026

Khalila Khatoon And Another

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ashok Kumar Tiwari, Chandan Sharma, Devbrat Mukherjee, Mithilesh Kumar Rai, Siddharth Mukherjee

Counsel for Respondent(s) : Anil Kumar Mishra, C.S.C., Nitesh Tripathi

Court No. - 55

Reserved On.- 4.2.2026

Delivered On.-11.3.2026

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Devbrat Mukherjee, Mr. Chandan Sharma, Mr. Mithilesh Kumar Rai, learned counsel for the petitioners, Mr. Anil Kumar Misra, learned counsel for respondent nos.3/1, 3/2 and Mr. Awadhesh Kumar Patel, learned standing counsel for state respondents.

2. Brief facts of the case are that dispute relates to Gata No.3006 Kha (Old No.2617M), area 20 Bigha 13 Biswa, situated in village- Billi Markundi, Pergana- Agori, Tehasil-Robertsganj, District- Sonbhadra. Mohd Yunus (husband of petitioner no. 1 and father of petitioner no. 2) filed an application before Assistant Record Officer for recording his possession on the basis of agreement dated 26.6.1988 executed between Mohd Yunus and Daddan, transferring possession of the plot in question in favour of Mohd Yunus in view of the provision contained under section 164 of U.P. Zamindari Abolition and Land Reforms Act 1950 (hereinafter referred to as U.P. Z.A & L.R. Act). The aforementioned application filed by Mohd Yunus was registered as Case No. 10595, Mohd Yunus vs. Daddan, under section 54 of U.P. Land Revenue Act, 1901 (hereinafter referred to as U.P. L.R. Act). The aforementioned case was heard and decided by Asst Record officer vide order dated 30.9.1989, rejecting the claim of Mohd Yunus. Against the order of Asst Record Officer dated 30.9.1989, an appeal under section 210 of U.P. L.R. Act was filed by Mohd. Yunus before Record Officer which was registered as Appeal

No.60. The aforementioned appeal was heard and allowed by Record Officer vide order dated 7.11.1992, setting aside the order dated 30.9.1989 as well as directed for recording the name of Mohd Yunus in place of Mannu son of Daddan. Against the order dated 7.11.1992, revision under section 219 of U.P. L.R. Act was filed by Munnu (husband of respondent no. 3/1 and father of respondent no.3/2), impleading Mohd Yunus as opposite party which was registered as Revision No.343 before Board of Revenue. During pendency of aforementioned revision, Munnu as well as Mohd Yunus have expired. The aforementioned revision was heard and allowed in part by Board of Revenue vide order dated 3.2.2010, setting aside the order dated 7.11.1992 as well as remitted the matter before Collector, Sonbhadra for necessary inquiry. Review application filed on behalf of petitioners before Board of Revenue against the order dated 3.2.2010 was dismissed by Board of Revenue vide order dated 6.8.2010. Petitioners challenged the orders dated 3.2.2010 and 6.8.2010 by way of writ petition in Misc Single No.6552 of 2010 before Lucknow bench of this Court which was disposed of vide order dated 1.11.2010, quashing the orders dated 3.2.2010 and 6.8.2010 as well as remanded the matter before Board of Revenue to decide the revision afresh after substituting the legal heirs of deceased Mohd Yunus who was opposite party in the revision. Matter Under Article 227 No.4961 of 2023 filed by respondent no.3/1 for expeditious disposal of pending revision was disposed of by Lucknow Bench of this Court vide order dated 5.10.2023, directing the Board of Revenue to decide the revision within a period of six month. Board of Revenue vide order dated 22.12.2025 allowed the revision setting aside the order dated 7.11.1992 passed by Record Officer and maintained the order of Asst Record Officer dated 30.9.1989, holding that *bhumidhari* right cannot be given on the basis of agreement to sale. Hence this Writ petition on behalf of petitioners for following reliefs:-

"I. to issue a writ, order or direction in the nature of certiorari, quashing the order dated 22.12.2025, passed by Board of Revenue, U.P., at Lucknow (Respondent No.2) in Case No.REV/343/1992-1993/ Sonbhadra, having Computerized Case No.R19931662004288 (Munnu Vs. Mohd. Yunus) U/s 219 of U.P. Land Revenue Act, 1901 (Annexure No.1) to the writ petition.

ii. to issue a writ, order or direction in the nature of Mandamus directing and commanding the respondents not to interfere in the peaceful possession of land of petitioners over the Gata No.3006 Kha (Old No.2617M) of Vill. Billi Markundi, Pargana-Agori, Tehsil-Robertsganj, District-Sonbhadra in any manner."

3. Learned Counsel for the petitioners submitted that Mohd Yunus is entitled to be recorded over the plot in question in view of the provision contained under Section 164 of U.P. Z.A. & L.R. Act as

possession has been transferred to Mohd Yunus on the basis agreement executed on 26.6.1988 between Mohd. Yunus and Daddan. He further submitted that Asst. Record Officer has not exercised the jurisdiction under Section 54 of U.P. L.R. Act in proper manner but in appeal Record Officer has rightly exercised the appellate jurisdiction, directing to record the name of Mohd Yunus in the place of Mannu son of Daddan on the basis of agreement dated 26.6.1988, considering the provision contained under Section 164 of U.P. Z.A & L.R. Act. He further submitted that Board of Revenue has allowed the revision filed by Munnu, without considering the point set up in revision as well as argued before Board of Revenue, as such, impugned revisional order is liable to be set aside. He further submitted that petitioners are recorded in revenue record for the last 34 years and are in continuous possession of land in question on the basis of order of Record Officer dated 7.11.1992, as such, impugned revisional order dated 22.12.2025 passed by Board of Revenue is liable to be set aside and appellate order dated 7.11.1992 should be maintained. He submitted that if the order come out without reasoning and without an analysis of submission made by the parties, the same cannot be sustained in the eye of law. He placed reliance on the decisions of the Hon'ble Apex Court in the cases reported in **2010 (9) SCC 496, Kranti Associates Private Limited and Another vs. Masood Ahmad Khand and Others** and **2010 (13) SCC 427, Oryx Fisheries Private Limited vs. Union of India and Others**.

4. On the other hand, learned counsel for respondent nos.3/1 & 3/2 submitted that writ petition against the impugned orders passed in the summary proceeding under Section 54 of U.P. L.R. Act cannot be entertained. He further submitted that no right will accrue in favour of petitioners on the basis of unregistered document dated 26.6.1988. He submitted that in view of the provision contained under Section 54 of U.P. L.R. Act, petitioners have remedy to file suit for declaration of their right & title, if any, rather writ petition before this Court. He further submitted that petitioners have not annexed the copy of the agreement dated 26.6.1988 along with instant writ petition, as such, writ petition can not be entertained.

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

6. There is no dispute about the fact that proceeding initiated by Mohd Yunus (husband of petitioner 1 & father of petitioner no.2) under Section 54 of U.P.L.R. Act was dismissed by Asst. Record Officer but appeal titled by Mohd. Yunus was allowed by Record Officer, directing to record the name of Mohd. Yunus after expunging the name of Mannu son of Daddan. There is also no dispute about the fact that revision filed by Munnu (husband of opposite party

no.3/1 & father of opposite party no. 3/2) has been allowed by Board of Revenue, setting-aside the appellate order dated 7.11.1992 and maintaining the order dated 30.9.1989.

7. In order to appreciate the controversy involved in the matter, perusal of Section 54 of U.P. L.R. Act will be relevant which is as under:-

"54. (1) For revising the map and records under this Chapter, the Record Officer shall, subject to the provisions hereinafter contained, cause to be carried out survey, map correction, field to field Partal and test and verification of current annual register in accordance with the procedure prescribed.

2) After the test and verification of the current annual register in accordance with sub-section (1), the Naib-Tahsildar shall correct clerical mistakes and errors, if any, in such register, and shall cause to be issued to the concerned tenure-holder and other persons interested, notices containing relevant extracts from the current annual register and such other records as may be prescribed, showing their rights and liabilities in relation to land and mistakes and disputes discovered during the operations mentioned in the said sub-section.

3) Any person to whom notice under sub-section (2) has been issued may, within twenty-one days of the receipt of notice, file before the Naib-tahsildar objection in respect thereof disputing the correctness or nature of the entries in such records or extracts.

4) Any person interested in the land may also file objection before the Naib-Tahsildar at any time before the dispute is settled in accordance with sub-section (5), or before the Assistant Record Officer, at any time before the objections are decided in accordance with sub-section (6).

5) The Naib-Tahsildar shall -

a) where objections are filed in accordance with sub-section (3) or sub-section (4) after hearing the parties concerned; and

b) in any other case after making such inquiry as he may deem necessary correct the mistake, and settle the dispute, by conciliation between the parties appearing before him, and pass orders on the basis of such conciliation.

6) The record of all cases which cannot be disposed of by the Naib-Tahsildar by conciliation as required by sub-section (5), shall be forwarded to the Assistant Records Officer who shall dispose of the same, in accordance with the provisions of Section 40, 41 or 43, as the case may be, and where the

dispute involves a question of title, he shall decide the same after a summary inquiry.

7) Where after the summary inquiry under sub-section (6), the Assistant Record Officer is satisfied that the land in dispute belongs to the State Government or a local authority, he shall cause the person in unauthorised occupation of such land to be evicted and may, for that purpose use or cause to be used such force as may be necessary.

8) Every order of the Assistant Record Officer -

a) made under sub-section (6) shall, subject to the provisions of Sections 210 and 219, be final;

b) made under sub-section (7) shall subject to the result of any suit which the aggrieved person may file in any Court of competent jurisdiction, be final."

8. Perusal of Section 54(8)(b) of U.P. L.R. Act as quoted above demonstrate that every order of the Assistant Record Officer, subject to the provisions of Section 210 and 219 of U.P. L.R. Act shall be final and aggrieved person can file suit before competent court for adjudication of their right.

9. In the instant matter, petitioner are claiming benefit of Section 164 of U.P. Z.A. & L.R. Act on the basis of unregistered agreement dated 26.6.1988 in respect to 20 bigha 13 biswa land which can be adjudicated in regular suit before competent court rather in summary proceeding under Section 54 of the U.P. L.R. Act.

10. Considering the entire facts and circumstances of the case, there is no illegality in the order dated 30.9.1989 passed by Assistant Record Officer which has been maintained by Board of Revenue while passing the impugned order dated 22.12.2025.

11. The writ petition is dismissed. It is made clear that impugned orders passed under Section 54 of the U.P. L.R. Act shall be subject to adjudication of dispute, if any, by competent court.

March 11, 2026

C.Prakash

(Chandra Kumar Rai,J.)