



2026:AHC:23928

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2636 of 2026

Kailash And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Haushila Prasad Mishra
Counsel for Respondent(s)	: C.S.C., Mayank Mohan Dutt Mishra, Sudhir Bharti

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Shi H.P. Mishra, learned counsel for the petitioners, learned Standing Counsel appearing on behalf of Respondent Nos.1, 2 & 3 and Shri Sudhir Bhati, learned counsel appearing on behalf of Respondent No.4 as well as Shri Sudhansu Pandey, Advocate holding brief of Shri M.M.D. Mishra, learned counsel appearing on behalf of one Shri Amit Kumar Son of Gabbu Lal by way of caveat.

2. The present writ petition has been filed by the petitioners inter-alia with the prayer to quash the order dated 11.09.2024 passed by the Respondent No.3 namely Collector/ District Magistrate, District Gorakhpur as well as order dated 29.09.2025 passed by the Respondent No.2 namely Commissioner, Gorakhpur Mandal, Gorakhpur. A Further prayer has been made to direct the aforesaid respondents not to dispossess the petitioner from Arazi No.659 area 0.1300 hectare.

3. Facts in brief as contained in the writ petition are that the petitioners earlier approached this Court by filing Writ C No.8798 of 2024 (Kailash and another vs. State of U.P. and 3 others) with the prayer that the land in dispute is in possession of the petitioners, hence they are entitled for the benefit of Section 67-A of the U.P. Revenue Code, 2006.

4. The aforesaid writ petition was finally disposed of by the Coordinate Bench of this Court vide judgment and order dated 16.04.2024 directing the petitioners to submit a representation before the Respondent No.3 and respondent no.3 was directed to decide the same, in accordance with law

within a period of 45 days.

5. Pursuant to the aforesaid, representation was made by the petitioners before the Respondent No.3. The said representation was filed with the prayer to grant the benefit of Section 67-A of the U.P. Revenue Code, 2006 in favour of the petitioners. The said representation was rejected by the Respondent No.3 vide order dated 11.09.2024. Relevant findings have been recorded in the aforesaid case is reads as follows:-

"गाटा सं० 659 मि० रकबा 0.094 हे० जो नवीन परती की भूमि है का दिनांक 06.07.2020 में आयुर्वेदिक चिकित्सालय के नाम से प्रस्तावित किया गया है। जिसका खतौनी पर अमलदरामद जिलाधिकारी महोदय के आदेश दिनांक 28.07.2022 के कम में हो गया है। आवेदक कैलाश व उसके भाई रूदल पुत्रगण धन्नू के नाम से गाटा सं० 659 के सटे पूर्व दिशा में गाटा सं० 1045 ख रकबा 0.566 हे० भूमिधरी की भूमि है जिसमें आवेदक का हिस्सा 0.028 हे० व उसके भाई का हिस्सा 0.028 हे० है तथा गाटा सं० 701 रकबा 0.032 हे० में आवेदक का हिस्सा 0.006 हे० व उसके भाई का हिस्सा 0.006 हे० तथा गाटा सं० 460 रकबा 0.045 हे० में आवेदक का हिस्सा 0.009 हे० व उसके भाई का हिस्सा 0.009 हे० व गाटा सं० 461 रकबा 0.061 हे० में आवेदक का हिस्सा 0.012 हे० व उसके भाई का हिस्सा 0.0120 हे० है। आवेदक तथा आवेदक के भाई का संयुक्त रूप से कुल रकबा 0.110 हे० जो आवास बनाने के लिए एवं अन्य कार्यों के लिए उपयुक्त भी है। ऐसी दशा में आवेदक कैलाश पुत्र धन्नू व उनके भाई रूदल पुत्र धन्नू आवंटन पाने के पात्र नहीं है और याची गण का किसी प्रकार का कोई कब्जा नहीं है।"

6. Aggrieved against the aforesaid, revision under Section 210 of the U.P. Revenue Code, 2006 was filed by the petitioner before the Respondent No.2 which was numbered as Case No.1917 of 2024. The same was rejected by the Respondent No.2 vide order dated 29.09.2025.

7. It is argued that both the orders passed by the authorities are perse illegal and liable to be set aside.

8. On the other hand, it is argued by the counsel appearing on behalf of caveator that findings recorded by the Respondent No.3 in its order dated 11.09.2024 has not been denied by the petitioners either before the Commissioner while filing the revision under Section 210 of the U.P.

Revenue Code, 2006 or before this Court in the present writ petition.

9. When a query was raised by this Court by the counsel for the petitioners that whether the aforesaid findings have ever been challenged by them at any proper forum or not, it is argued by the counsel for the petitioners that this finding has not been challenged by the petitioners at any point to time.

10. It is settled law that findings recorded by the Revenue Authorities should not be interfered with unless they are perverse, based on no evidence, or violation of principles of natural justice as was affirmed in the case of **P.P. Buildcon Pvt. Ltd. Agra through its Director vs. Chief Controlling Revenue Authority U.P. at Allahabad** reported in **2014 SCC OnLine All 15537**.

11. Insofar as the present case is concerned, it is clear from the order passed by the Respondent No.3 dated 11.09.2024 relevant portion of which has been quoted above, that the same has not been challenged either before the Respondent No.2 or before this Court.

12. In this view of the matter, the Court is of the opinion that the present writ petition is liable to be dismissed and is hereby **dismissed**.

(Prakash Padia,J.)

February 4, 2026

Swati