



2026:AHC:64737

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 1023 of 2026

Akbari Bano And Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devbratt Yadav, Ram Pratap Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 54

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. R.P. Yadav, learned Counsel for the petitioners and Mr. Hari Mohan Srivastava, learned Additional Chief Standing Counsel for the State respondents.

2. Brief facts of the case are that petitioners are recorded tenure holder of plot No. 139M area 0.0320 hectare and plot No. 138M area 0.0340 hectare. Khatauni of 1429-1434 fasli are annexed as Annexure No. 1 to the instant petition. Plot nos. 138M and 139M are comprises from old plot no. 211M. An application under Section 27 (3) of U.P.C.H. Act 1953 (stating as U.P. Revenue Code 2006 in the application) has been filed by respondent no.5- Jitendra Kumar Singh with the prayer that plot in question be recorded as pasture land in view of the earlier entry of the plot in question. The application filed by respondent no.5 was registered as case No. 484 of 2023 under Section 27 (3) of U.P.C.H. Act, 1953. A Writ B No. 388 of 2026 has been filed by respondent no.5 before this Court which was disposed of vide order dated 2.2.2026 directing the Additional District Magistrate to decide the matter within period of six months. Additional District Magistrate in the aforementioned proceeding under Section 27 (3) of U.P.C.H. Act vide order dated 11.2.2026 directed that status quo be maintained in the interest of justice. Hence this petition for the following relief:-

"Issue a writ, order or direction in the nature of mandamus commanding the Additional District Magistrate (Finance and Revenue) Azamgarh to decide the objection filed by the petitioners dated 11.2.2026 in case No. 0484 of 2023

Computerized case No. 20235415600000484 (Jitendra Kumar Singh Vs. State of U.P. and Others) under Section 27 (3) of the U.P. Consolidation of Holdings Act and till the disposal of objection, the effect and operation of the order dated 11.2.2026 passed by Additional District Magistrate (Finance and Revenue) may be kept in abeyance, in the better interest of justice."

3. Learned Counsel for the petitioners submitted that misconceived proceeding has been initiated by respondent no.5 who has no locus to initiate the proceeding. He submitted that petitioners are the recorded tenure holder of the plot in question, as such, unless the entry is expunged in proper manner, the order of status quo cannot be passed by the Court in arbitrary manner. He submitted that proper objection has been filed on behalf of the petitioners regarding the maintainability of the proceeding under Section 27 (3) of U.P.C.H. Act which is pending, as such, the direction be issued to the respondent no.4 to consider the petitioners' objection regarding the maintainability of the proceeding at the instance of respondent no.5 and the interim injunction granted against the petitioners should be stayed or set aside.

4. Mr. Hari Mohan Srivastava, learned Additional Chief Standing Counsel for the State respondents submitted that no interference is required against the interim order granting the status quo in the proceeding under Section 27 (3) of U.P.C.H. Act. He submitted that this Court has already issued direction for disposal of the proceeding under Section 27 (3) of U.P.C.H. Act within period of six months, as such, the pending proceeding shall be decided by the Additional District Magistrate in accordance with law and instant writ petition should be dismissed.

5. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

6. There is no dispute about the fact that petitioners are the recorded owner of the plot in question and application under Section 27 (3) of the U.P.C.H. Act has been filed by respondent no.5 which is pending before respondent no.4. There is also no dispute about the fact that objection dated 11.2.2026 was filed on behalf of the petitioners regarding the maintainability of the proceeding which is pending before respondent

no.2. There is also no dispute about the fact that interim order for maintaining status quo has been passed in the proceeding under Section 27 (3) of U.P.C.H. Act.

7. It is material to mention that petitioners are the recorded owner of the plot in question, as such, in the proceeding under Section 27 (3) of U.P.C.H. Act initiated by respondent no.5, interim injunction should not be granted rather the entire proceeding should be disposed of considering the objection of the recorded owner in proper manner.

8. The order granting interim injunction against the recorded owner of the plot in question on the basis of the proceeding initiated under Section 27 (3) of U.P.C.H. Act by respondent no.5 whose status is of complainant, is not proper exercise of jurisdiction.

9. Considering the entire facts and circumstances of the case, the interim order dated 11.2.2026 passed by respondent no.4, Additional District Magistrate in case No. 484 of 2023 for maintaining status quo against the recorded owner of the plot in question is hereby set aside. The writ petition is **allowed**. Respondent no.4, Additional District Magistrate (Finance and Revenue) District Azamgarh is directed to decide the aforementioned pending proceeding under Section 27 (3) of U.P.C.H. Act in the light of the direction issued by this Court in Writ B No. 388 of 2026 considering the objection dated 11.2.2026 filed by petitioners in proper manner.

(Chandra Kumar Rai,J.)

March 28, 2026

Vandana Y.