



2026:AHC:53767

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 1085 of 2026

Nathoo And 21 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Kumar Singh
Counsel for Respondent(s)	:	Achal Singh, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Amit Kumar Singh, learned counsel for the petitioners, Mr. Anil Kumar Yadav, learned Standing Counsel and Mr. Achal Singh learned counsel for the gaon sabha.

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

"1. to issue a writ, order or direction in the nature of certiorari quashing the entire proceeding initiated through Review Application No.6162 of 2025 in SA/2571/2025 (Computerised Case No. AL20250719002571) u/s 208 of Revenue Code in between Satya Narayan Vs. Nathoo and others.

ii. to issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to decide the review application within a period which is fixed by this Hon'ble Court.

iii. to issue a writ, order or direction in the nature of mandamus commanding the respondents to restore the possession of petitioners their plots according to share.

3. Learned counsel for the petitioners submitted that suit under Section 229-B of U.P.Z.A.& L.R. Act filed by father of respondent no.4 was decreed in illegal and arbitrary manner. He submitted that restoration application was filed against ex parte judgment and decree, which was rejected. He submitted that against the dismissal of restoration application, an appeal

filed before Commissioner was allowed and judgment and decree of trial court as well as order rejecting the restoration applications have been set aside. He submitted that second appeal filed on behalf of private respondent before the Board of Revenue was dismissed on merit. He next submitted that against the order passed on merit by board of revenue, review application has been filed by respondent no.4 which has been entertained and interim protection has been granted. He submitted that in the facts and circumstances of the case, the proceeding of review application be quashed and order passed by Board of Revenue dismissing the second appeal on merit should be maintained.

4. On the other hand, learned Standing Counsel and learned counsel for the gaon sabha submitted that no interference is required against the order entertaining the review application and petitioner can participate in the review proceeding before the Board of revenue rather writ petition before this court.

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 review application filed by respondent no.4 is pending before the Board of Revenue.

7. So far as exercise of review jurisdiction is concerned, the board of revenue has been given power to exercise review jurisdiction as provided under Section 220 of U.P. Land Revenue Act, 1901, now under Section 211 of U.P. Revenue Code, 2006. Perusal of Section 211 of U.P. Revenue Code, 2006 will be necessary which is as under:

"211. Board's power of review. - (1) The Board may, of its own motion or on the application of any party interested, review any order passed by itself and pass such orders in reference thereto as it thinks fit.

(2) No order shall be reviewed under sub-section (1), except on the following grounds-

(a) discovery of any new and important matter or evidence;

(b) some mistake or error apparent on the face of record;

(c) any other sufficient reason.

(3) Orders passed on review shall not be reviewed.

(4) An application under sub-section (1), for review of any order, may be moved within sixty days from the date of such order."

8. In view of the aforementioned provisions, the pending review application should be decided in accordance with law.

9. Considering the facts and circumstances of the case, **the instant writ petition is finally disposed of** directing respondent no.2-Board of Revenue to decide the aforementioned review application in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy of this order before him. It is made clear that this Court has not expressed any opinion on merit of the review application pending before the Board of Revenue.

March 17, 2026

PS*

(Chandra Kumar Rai,J.)