



2026:AHC:53831

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 1086 of 2026

Komil And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Narendra Kumar Pandey
Counsel for Respondent(s)	:	C.S.C., Vivek Srivastava

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Narendra Kumar Pandey, learned Counsel for the petitioners, Mr. Ayub Khan as well as Mr. Vivek Srivastava, learned Counsels for respondent nos. 5 to 9 and Mr. T.P. Gupta, learned Standing Counsel for the State respondents.

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

"(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 18.11.2025 to the writ petition, passed by the Board of Revenue in Revision No. 4841 of 2025.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent no.3 to decide the said partition suit in compliance/ direction of order dated 2.9.2025 passed by the Additional Commissioner (Second), Moradabad shall operate forthwith.

(iii) Issue a writ, order or direction in the nature of mandamus commanding the Board of Revenue to decide the said revision within a fixed time without continuing interim stay."

3. Counsel for the petitioners submitted that twice revisions filed before the Commissioner at the instance of the petitioners were allowed and matter was remitted back before the Sub Divisional Officer to decide the proceeding of suit under Section 116 of U.P. Revenue Code, 2006 considering the provisions of U.P. Revenue Code Rules, 2016. He further submitted that against the remand order passed by Additional

Commissioner, revision has been filed by private respondents which has been illegally entertained and interim protection has been granted. He submitted that impugned order granting interim protection in the revision should be set aside and revision be decided in accordance with law within time bound period. He placed the finding recorded by Additional Commissioner while passing the remand order in appeal in order demonstrate that there is no illegality in the order of remand passed by Additional Commissioner.

4. On the other hand, Mr. Ayub Khan as well as Mr. Vivek Srivastava, learned Counsels for respondent nos. 5 to 9 submitted that writ petition against the order entertaining the revision and granting interim protection cannot be entertained. They submitted that petitioners can participate in the proceeding of revision before Board of Revenue rather writ petition before this Court.

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 revision under Section 210 of U.P. Revenue Code, 2006 filed by private respondents is pending before respondent no.2, Board of Revenue, U.P. Prayagraj and interim order is operating in the revision.

7. Considering the fact that revision filed by private respondents is pending before the Board of Revenue, the same should be decided expeditiously in accordance with law and interim order which was granted should be maintained till the pendency of the revision by the Board of Revenue.

8. Considering the entire facts and circumstances of the case, the instant petition is finally **disposed of** directing the respondent no.2, Board of Revenue, U.P. Prayagraj to decide the aforementioned revision filed by private respondents expeditiously within period of **two months** from the date of production of certified copy of this order without granting unnecessary adjournment to the parties. It is further directed that the interim order which has been granted by Board of Revenue, U.P. Prayagraj in the aforementioned revision shall remain in operation till the

pendency of the revision before Board of Revenue, U.P. Prayagraj.

(Chandra Kumar Rai,J.)

March 17, 2026
Vandana Y.