



2026:AHC:49913

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - B No. - 986 of 2026**

Narendra Bahadur Singh

.....Petitioner(s)

Versus

Board Of Revenue, U.P. At Prayagraj And 4  
Others

.....Respondent(s)

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Counsel for Petitioner(s) : Alakh Narain Shukla, Jai Shanker  
Misra

Counsel for Respondent(s) : C.S.C., Rameshwar Prasad Shukla

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**Court No. - 55**

**HON'BLE CHANDRA KUMAR RAI, J.**

1. Heard Mr.Jai Shanker Mishra, learned counsel for the petitioner, Mr. Rameshwar Prasad Shukla, learned counsel for gram sabha and Mr. Awadhesh Kumar Patel, learned Standing Counsel for the petitioner.

2. The instant public interest litigation has been filed for the following relief:-

**"(1) Issue a writ, order or direction in the nature of Mandamus to Respondent No. 2 to decide the stay application of the petitioner dated 08.09.2025 (Annexure No. 3 to this writ petition) within the stipulated period as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;**

**(II) Issue a writ, order or direction in the nature of interim injunction to stay the effect and operation of the order dated 29.07.2025 passed by Up-Ziladhikari, Sadar, District-Azamgarh in case No. 11353/2022 Computerize Case No. T202215060111353 Report Vs. Santosh under Section 33/39 of U.P. Land Revenue Act, 1901 till the decision on the application dated 08.09.2025 pending before the Hon'ble Board of Revenue, U.P. at Prayagraj."**

3. Learned counsel for the petitioner submitted that long standing

entry cannot be expunged in the summary proceeding under Section 33/39 of U.P. Land Revenue Act. He further submitted that petitioner's predecessor were recorded on the basis of the decree dated 14.2.1978 passed in the suit under Section 229-B of U.P.Z.A.& L.R. Act, as such initiation of summary proceeding is total abuse of process of law. He submitted that application with respect to the maintainability of the proceeding under Section 33/39 of U.P. Land Revenue Act filed on behalf of petitioner has been rejected by the Sub Divisional officer accordingly, revision along with stay application has been filed before the board of revenue, which is pending. He submitted that proper direction be issued for expeditious disposal of pending revision and till pendency of the revision before board of revenue proceeding before Sub Divisional Officer be stayed. He further placed reliance upon the judgment of this Court reported in **2007 (102) RD 498 Ali Sher Vs. State of U.P. through Collector, Bijnor and others**, in order to demonstrate that interim protection should be granted during pendency of appeal / revision if the order under appeal/ revision has serious consequences.

4. I have considered the arguments advanced by the learned counsel for the parties and perused the record.

5. There is no dispute about the fact that revision along with stay application filed by the petitioner is pending before respondent no.1- Board of Revenue.

6. It is material to mention that petitioner is recorded over the plot in question on the basis of decree dated 14.2.1978 passed in the suit under Section 229-B of U.P.Z.A. & L.R. Act in favour of predecessor of petitioner.

7. This Court in case of **Ali Sher(Supra)** has held that if order under appeal or revision has serious consequence then operation of the order must be suspended till pendency of the appeal/ revision. Paragraph Nos.4 & 5 of the judgment rendered in **Ali Sher (Supra)** will be relevant which are as under:

**"4. It is well settled that once an appeal or revision is entertained by a higher Court against an order having civil consequences stay normally should be granted to**

avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries.

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

8. Considering the ratio of law laid down by this Court in **Ali Sher (Supra)** as well as entire facts and circumstances of the case, the instant petition is finally disposed of directing the respondent No.-1/Board of Revenue to decide the aforementioned revision being Case No.4564 of 2025 expeditiously preferably within a period of four months from the date of production of certified copy of this Court after affording proper opportunity of hearing to the parties. It is further directed that till the pendency of the aforementioned revision, proceeding of case no. 11353/2022 Computerize Case No. T202215060111353 Report Vs. Santosh under Section 33/39 of U.P. Land Revenue Act, 1901 before Sub Divisional Officer, Sadar, Azamgarh shall remain stayed.

(Chandra Kumar Rai,J.)

March 11, 2026  
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