



2026:AHC:31633

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 544 of 2026

Santosh

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag Upadhyay
Counsel for Respondent(s)	:	C.S.C., Santosh Chaubey

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Mr. Kartikey Pandey, learned counsel holding brief of Mr. Santosh Chaubey, learned counsel for respondent no.3 and Mr. Awadhesh Kumar Patel, learned Standing Counsel for the State-respondents.

2. With the consent of learned counsel for the parties, the instant writ petition is heard finally without inviting counter affidavit.

3. Brief facts of the case are that the proceeding under Section 35 of U.P. Revenue Code, 2006 initiated by respondent no.3 was allowed by the Tahsildar. Appeal under Section 35 (2) of U.P. Revenue Code, 2006 filed by petitioner was dismissed vide order dated 2.5.2025. Against the order of appellate Court, revision under Section 210 of U.P. Revenue Code, 2006 filed by petitioner is pending before Additional Commissioner (Judicial), Azamgarh Division, Azamgarh. During pendency of the aforementioned revision before Additional Commissioner (Judicial), Azamgarh Division, Azamgarh, a transfer application under Section 212 of U.P. Revenue Code, 2006 has been filed by respondent no.3 before Board of Revenue which has been allowed under the impugned order dated 14.1.2026 without any notice and opportunity of hearing to the petitioner who was impleaded as opposite party in the transfer application. Hence this writ petition for the following reliefs:

"Issue a writ, order or direction in the nature of certiorari for quashing the order dated 14.01.2026 (annexure no.4) passed by Board of Revenue U.P. at Prayagraj (

respondent no. 2) in Case No. TA/ 6121/2025/Mau (Computer Case No. AL20251551006121), Brahmanand VS. Archana Dwivedi, Additional Commissioner (Judicial), Azamgarh Division Azamgarh & others, Under Section 212 of U.P. Revenue Code, 2006."

4. Learned counsel for the petitioner submitted that the revision filed by the petitioner is pending before Additional Commissioner (Judicial), Azamgarh Division, Azamgarh but on the transfer application filed by respondent no.3 on misconceived ground, the transfer application has been allowed in ex-parte manner. He further submitted that the impugned order transferring the proceeding of revision from Azamgarh Division to Varanasi Division should be set aside and transfer application filed by respondent no.3 should be rejected.

5. On the other hand, learned counsel for respondent no.3 submitted that on the ground setup for transferring the proceeding from the Court concerned, the Board of Revenue has examined the matter and transferred the proceeding from Azamgarh Division to Varanasi Division, which requires no interference. He further submitted that the petitioner should contest the proceeding before the Court where the proceeding has been transferred rather writ petition before this Court.

6. I have considered the argument advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that the revision was filed under Section 210 of U.P. Revenue Code, 2006 on behalf of petitioner before Commissioner. There is also no dispute about the fact that during pendency of the revision, transfer application filed by respondent no.3 has been allowed under the impugned order dated 14.1.2026.

8. Perusal of the impugned order demonstrates that no notice has been issued to petitioner and the transfer application has been allowed in ex-parte manner as such, impugned order dated 14.1.2026 cannot be sustained in the eye of law.

9. Considering the entire facts and circumstances of the case, the impugned order dated 14.1.2026 passed by respondent no.2/ Board of

Revenue, U.P., Prayagraj is liable to be set aside and the same is hereby set aside.

10. The writ petition stands ***allowed*** and matter is remitted back before the Board of Revenue / respondent no.2 to decide the transfer application afresh after affording opportunity of hearing to the petitioner and calling report from the Additional Commissioner (Judicial), Azamgarh Division, Azamgarh, expeditiously preferably within a period of six weeks from the date of production of certified copy of this order.

(Chandra Kumar Rai,J.)

February 12, 2026

Rameez