



2026:AHC:28783

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 548 of 2026

Raghuraj Sharma

.....Petitioner(s)

Versus

Board Of Revenue Up And 46 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd Haleem, Nishi Sengar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Alok Sharma, learned counsel, holding the brief of Ms. Nishi Sengar, learned counsel for the petitioner and Sri Awadhesh Kumar Patel, learned standing counsel for the state-respondents.

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

"I. Issue a writ, order or direction in the nature of mandamus directing the Board of Revenue, Allahabad to decide the interim application in Revision No. 4478 of 2025 (Raghuraj Sharma Vs. State of U.P. and others) pending before Board of Revenue, Allahabad within a short span of time as may be fixed by this Hon'ble Court.

II. Issue a writ, order or direction in the nature of mandamus restraining the private respondents from raising the construction over the land of Gata no.82sa, 84/4, 99, 144/9, 227sa, 231sa, 237/1sa in total 7 gatas total area 3.2000 hectares (lagani Rs.128.90 Paisa) situated at Bhunna Tanga, Pargana and Tehsil Jewar, District Gautam Buddh Nagar during the pendency of Revision No. 4478 of 2025 (Raghuraj Sharma Vs. State of U.P. and others) pending before Board of Revenue, Allahabad.

III. Issue a writ, order or direction in the nature of mandamus directing the Board of Revenue, Allahabad

to decide the Revision No. 4478 of 2025 (Raghuraj Sharma Vs. State of U.P. and others) pending before Board of Revenue, Allahabad within a short span of time as may be fixed by this Hon'ble Court."

3. Counsel for the petitioner states that earlier Writ B No.5129/2025, filed by the petitioner, was disposed of on 19.12.2025 with the direction to the Board of Revenue to decide the stay application and the parties were directed to maintain status quo. He submitted that in spite of the order of this Court dated 19.12.2025, stay application has not been disposed of as the court of the Member concerned is presently vacant. He also submitted that private respondents are interfering with the possession of the petitioner, as such, interim protection is required in the matter. He submitted that the long standing entry in respect of the plot in question, has been expunged in the proceeding under Section 38(1) of the U.P. Revenue Code, 2006/Section 33/39 of the U.P. Land Revenue Act, 1901 which is abuse of the process of the Court. He submitted that revision filed by the petitioner against the order of the Sub Divisional Officer is pending. He submitted that in view of the earlier order granted by this Court, petitioner is entitled to interim protection till the pendency of the revision before the Board of Revenue.

4. I have considered the arguments advanced by learned counsel for the petitioner and perused the records.

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

6. In order to appreciate the controversy involved in the matter, the perusal of the earlier order passed by this Court on 19.12.2025 in Writ B No.5129 of 2025 will be relevant, which is as under:-

"1. Heard learned counsel for the parties.

2. Case was heard on 18.12.2025 and Court has passed the following order;

"1. Supplementary affidavit filed today is taken on record. 2. Heard learned counsel for the petitioner and

learned standing counsel for respondents. 3. Learned counsel for the petitioner informed that he has filed revision before Board of Revenue at Prayagraj on 19.09.2025 upon which 25.09.2025, 25.11.2025 and 02.12.2025 are the date fixed, but no order has been passed in stay application. He next submitted that taking benefit of pendency of revision without any order, opposite party is continuously raising construction. He next submitted that Court may please to protect the petitioner till the disposal of stay application. 4. Learned standing counsel is directed to seek instruction from respondent no. 1- Board of Revenue at Prayagraj within 24 hours as to why even after filing of revision on 19.09.2025, no order has been passed upon the stay application. In case, instruction is not provided, Court would have no option, but to summon the respondent no. 1 on the next date fixed. 5. Put up this case as fresh tomorrow i.e. 19.12.2025 at 12.45 P.M. 6. Apart from learned standing counsel, Registrar (Compliance) is directed to send a copy of this order to respondent no. 1 today for compliance. "

3. Pursuant to order of this Court dated 18.12.2025, learned standing counsel has produced instruction dated 19.12.2025, which is taken on record. In the instruction, no convincing reason has been given as to why stay application has not been decided, but it is stated that next date fixed is 13.01.2026.

4. Under such facts of the case, writ petition is disposed of with direction to respondent no. 1- Board of Revenue at Allahabad to decide the stay application preferably on 13.01.2026, but not later one month from the date of production of certified copy of this order.

5. For a period of four weeks or till disposal of stay application, whichever is earlier, parties are directed to maintain status quo as on date. In case, stay application is not decided within the time given by the

Court, petitioner is at liberty to move contempt application."

7. The perusal of the earlier order of this Court dated 19.12.2025, as quoted above, demonstrate that this Court has granted interim protection for a period of four weeks or till the disposal of the stay application whichever is earlier but the stay application has not been disposed of, as such, fresh interim order is required in the matter.

8. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.1/Board of Revenue, U.P. at Prayagraj to decide the aforesaid petitioner's revision, as expeditiously as possible, preferably within a period of 2 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law. It is further directed that till the disposal of the aforementioned revision, the effect and operation of the order dated 28.7.2025 passed by the Sub Divisional Officer shall remain in abeyance. Since no notice has been issued to the private respondents, as such, private respondents will have opportunity to file recall, if any, against this order.

February 10, 2026
C.Prakash

(Chandra Kumar Rai,J.)