



2026:AHC:30328

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 567 of 2026

Mohd Salman And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Rakesh Kumar Garg, Yash Garg  
Counsel for Respondent(s) : Arun Kumar Pandey, C.S.C.

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**Court No. - 55**

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

1. Heard Sri Rakesh Kumar Garg and Sri Yash Garg, learned counsel for the petitioners, Sri M.N. Mishra, learned Addl. C.S.C. for the state-respondents and Sri Arun Kumar Pandey, learned counsel for the respondent-gaon sabha.

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

"i). Issue a writ, order or direction in the nature of CERTIORARI quashing order dated 27.01.2026 passed by the respondent no. 2 in Case no. REV/334/2026/Sambal (having Computer case no. AL2026137400334) u/s 210 of the U.P. Revenue Code, 2006 (Annexure no.1)

ii). Issue a writ order or direction in the nature of CERTIORARI quashing the entire proceedings of the Case no. REV/334/2026/Sambal (having Computer case no. AL2026137400334) pending before the respondent no.2 u/s 210 of the U.P. Revenue Code, 2006."

3. Counsel for the petitioners states that suit under Section 144 of the U.P. Revenue Code, 2006 filed by the petitioners, has been dismissed on the ground that suit is barred by Section 49 of the U.P. C.H. Act. He submitted that in appeal filed by the petitioners, the order passed by the trial court has been set aside and the matter has been remanded back to the trial court to decide the suit afresh on merit, considering the entire issues framed in the suit. He submitted

that revision filed by the private respondents has been entertained and interim protection has been granted which is wholly illegal. He submitted that while passing the order in appeal, remanding the matter before the trial court, finding of fact has been recorded, as such, there was no occasion to entertain the revision and grant interim protection in the revision filed by the private respondents. He placed reliance on the decision of this Court dated 8.5.2019 passed in **Consolidation No.146 of 2014 (Sagir Ahmad and Others vs. Deputy Director of Consolidation, Dist. Sultanpur and Others)** in order to demonstrate that suit under Section 144 of the U.P. Revenue Code, 2006 cannot be dismissed on the ground of bar contained under Section 49 of the U.P. C.H. Act if the proceedings for recording the name has taken place in fraudulent manner.

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

5. There is no dispute about the fact that revision filed by the private respondent against the remand order passed in appeal, arising out of the suit under Section 144 of the U.P. Revenue Code, 2006, is pending before the Board of Revenue and the interim order is operating.

6. Considering the fact that revision has been filed by the private respondent against the remand order passed in appeal, the proceeding of revision should be expedited by the Board of Revenue.

7. Considering the entire 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.2/Board of Revenue, U.P. at Prayagraj to decide the aforementioned 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.

**February 11, 2026**

C.Prakash

**(Chandra Kumar Rai,J.)**