



2026:AHC:48732-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 732 of 2014

Tribhuvan Pratap Narain Singh

.....Appellant(s)

Versus

Parasnath Deceased and 10 others

.....Respondent(s)

Counsel for Appellant(s)	:	R.C. Singh
Counsel for Respondent(s)	:	A.K. Goyal (A.C.S.C.) A.K.Singh

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Though the matter is listed in the category of 'Oldest Pending Cases in this High Court, for Priority Hearing', none is present for the appellant.
2. The present appeal was ordered to be listed along with **Special Appeal Defective No. 419 of 2013**, apparently, on account of the same being similar.
3. **Special Appeal Defective No. 419 of 2013 : Bhawani Prasad Singh Vs. Paras Nath and 11 others**, wherein respondent herein was also a party, has been decided by a Coordinate Bench of this Court on 04.09.2017 with the following observations:

“Heard learned counsel for the parties.

The present intra-court appeal is directed against the judgment and order of the learned Single Judge dated 18th May, 2011 passed in Writ-C No. 1157 of 1996 (Paras Nath versus State of U.P. & Others). The learned Single Judge has returned a categorical finding that the application made by the writ petitioners under Section 27 (4) of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 (hereinafter referred to as the "Act, 1960") was wrongly dismissed by the Commissioner as not maintainable vide order dated 12th July, 1995 impugned to the writ petition. The learned Single Judge has taken note of the law laid down in the judgment dated 24th July, 2002 passed in Civil Misc. Petition No. 13960 of 1996 (Jang Bahadur & Another versus State of U.P. & Others), wherein it has

been held that the application under Section 27 (4) of the Act, 1960 would be maintainable.

We hardly find any reason to interfere with the judgment of the learned Single Judge as the net consequence of the judgment would be that the application filed by the writ petitioners under Section 27(4) of the Act, 1960 would be heard and decided by the Commissioner on merits. The application made by the present appellants, who were non-party to the writ proceedings, for recall of the said judgment has been rejected vide order dated 18th May, 2011 after observing that no leave has been prayed for impleadment nor any prejudice is caused to the present appellants because of the maintainability of the application under Section 27 (4) of the Act, 1960.

We hardly find any good ground to entertain the present intra-court appeal. All issues which the appellant proposes to raise in respect of the disputes sought to be raised by means of Application under Section 27(4) of the Act, 1960 can always be agitated before the Commissioner and we hope and trust that the Commissioner shall decide the matter after affording opportunity of hearing to the parties concerned by means of a reasoned and speaking order, provided the same has already not been decided.

With the aforesaid observations, the present intra-court appeal is dismissed.”

4. In view of the determination made in the case of **Bhawani Prasad Singh (supra)**, the present special appeal is also dismissed.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

March 10, 2026

P.Sri./SL