



2026:AHC:45208

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 7234 of 2026

Judgement Reserved on 24.02.2026

Judgement Delivered on 27.02.2026

Kamal Pandey And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Alok Tiwari

Counsel for Respondent(s) : C.S.C., Shri Prakash Dwivedi, Vedansh Pathak

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Sri Alok Tiwari, learned counsel for the petitioners, learned Standing Counsel for respondent Nos.1 & 2 and Sri Rakesh Pande, learned Senior Counsel assisted by Sri Vedansh Pathak, learned counsel for the respondent No.3.

2. The petitioners have preferred the present petition with the following prayer:-

I. Issue a writ, order or direction, in the nature of certiorari calling for the record to quash the orders 06.11.2025 & 17.01.2026 (Annexure No. 1 to this petition) passed by Sub-Divisional Magistrate/Assistant Collector, Dudhi, Sonbhadra (respondent no. 2) passed in Computerized Case No. T802025070128.

3. Facts in brief as contained in the writ petition are that an application under Section 80 of U.P. Revenue Code, 2006 was filed by the respondent No.3/Sri Atul Pandey before the respondent No.2/Sub Divisional Magistrate, Tehsil Duddhi District Sonbhadra on 10.10.2025 which was registered as Computerized Case No.T802025070128. On the aforesaid application, report was called for from the Naib Tehsildar Tehsil Duddhi

District Sonbhadra. Taking into consideration of the aforesaid report, an order dated 06.11.2025 was passed by the respondent No.2 allowing the application dated 10.10.2025 filed by the respondent No.3. When the petitioners came to know regarding the aforesaid order, a recall application under Section 209(h) of U.P. Revenue Code, 2006 has been filed by them before the respondent No.2. Objections were also filed to the aforesaid recall application by the respondent No.3 on 15.12.2025 before the respondent No.2, copy of the same is appended as annexure No.26 to the writ petition. The aforesaid recall application was rejected by the respondent No.2 vide order dated 17.01.2026. Aggrieved with the aforesaid order, the petitioners have preferred the present petition.

4. It is argued by Sri Alok Tiwari, learned counsel for the petitioners that though the application under Section 80 of Code, 2006 had been filed by the respondent No.3 first time on 10.10.2025, copy of the same is appended as Annexure No.21 of the writ petition but taking into consideration the report dated 08.10.2025 submitted by the Naib Tehsildar Tehsil Duddhi District Sonbhadra, copy of the same is appended at Page 179 of the paperbook, respondent No.2 had passed the order dated 06.11.2025 in an ex-parte manner. It is argued that since the report submitted by the Naib Tehsildar Tehsil Duddhi District Sonbhadra is prior to the date of submission of the application dated 10.10.2025 by the respondent No.3, the respondent No.2 could not be taken into consideration of the aforesaid report while passing the order impugned dated 06.11.2025. It is further argued that in the recall application filed the petitioners, various grounds were taken but those ground were not taken into consideration while rejecting the same. Learned counsel for the petitioners placed reliance upon paragraph Nos.9, 10 and 11 of the restoration application which reads as follows:-

9. यह कि प्रार्थीगण के पूर्वज अमर नाथ पाण्डेय द्वारा अपील अभिलेख अधिकार सोनभद्र के न्यायालय में 09.01.2019 के विरुद्ध दाखिल किए जो अपील सं.डी 201 916660000091 के रूप में दर्ज हुई जिसमें अस्थायी निषेध आदेश पारित करने हेतु प्रार्थना पत्र प्रस्तुत किया गया, जिस पर सुनवाई किए जाने के पश्चात अभिलेख अधिकारी

सोनभद्र द्वारा कोई आदेश पारित नहीं किया गया। लेहाजा प्राथीगंग के पूर्वज अमर नाथ पाण्डेय द्वारा निगरानी मा. राजस्व परिषद उ. प्र. लखनऊ के समक्ष अमर नाथ पाण्डेय बनाम ओम प्रकाश पाण्डेय दाखिल किया गया जिसमें मा. परिषद द्वारा दिनांक 21-01-2019 को स्थगन आदेश पारित करते हुए दिनांक 09-01-19 का क्रियान्वयन स्थगित कर दिया गया, बादहू निगरानी निस्तारित करते हुए दिनांक 22.04.2025 के आदेशानुसार पुनः सुनवाई हेतु पत्रावली अभिलेख अधिकारी सोनभद्र में प्रति प्रेषित कर दिया गया जो वर्तमान में वाद सं. डी 202516660001780 सम् 2025 अमर नाथ पाण्डेय बनाम ओम प्रकाश पाण्डेय अभिलेख अधिकारी /अपर जिलाधिकारी सोनभद्र के न्यायालय में विचाराधीन है।

10. यह कि इतना सब कुछ होते हुए भी विपक्षी अतुल पाण्डेय पुत्र स्व० ओम प्रकाश पाण्डेय द्वारा तथ्यों को छिपाते हुए एवं न्यायालय के समक्ष सही बातों को न रखते हुए धोखा धड़ी पूर्वक न्यायालय को अंधेरे में रखते हुए उपरोक्त वाद धारा 80 उ०प्र० रा० संहिता 2006 के तहत बिला जानकारी प्रार्थीगण चोरी छिपे न्यायालय से प्रस्तुत कर पर्ची आख्या लगवाकर दिनांक 06.11.2025 को एकपक्षीय आदेश पारित करा लिया गया जो कर्तई कानून के विपरीत है, जिसके कायम रहने से शख्त हकतलफ़ी प्रार्थीगण की है।

11. यह कि आ० नि के जज भाग आ० नं 25। घ में रकबा 12 विस्वा प्रार्थीगण की आबादी घर, मकान सन्- 1385 प के पूर्व से बना हुआ है, जिसमे वे निवास करते हैं तथा शेष भूमि पर कृषिक अध्यासन के रूप में कृषि कार्य करते हुए चले आ रहे हैं। हर गिज सम्पूर्ण आ० नि० का रकबा अकृषिक नहीं है तथा मौके पर खेती-बारी होती है तथा खाली जमीन है, विपक्षी द्वारा गलत रिपोर्ट के आधार पर पूरे रकबे को अकृषिक घोषित करार कर दिया गया जो बिल्कुल गलत है तथा एकपक्षीय आदेश पारित आदेश है।

5. It is argued that though specific ground has been taken in the recall application filed by the petitioners that the matter is pending before the Record Officer Sonbhadra in the appeal No.D916660000091 of 2019 filed by the petitioners under Section 210 of the Code, 2006 but this aspect of the matter has not been taken into consideration by the respondent No.2 while passing the aforesaid order. It is further argued that though various grounds were taken in the recall application but none of the same has been taken into consideration while rejecting the same vide order dated 17.01.2026.

6. On the other hand, it is argued by Sri Rakesh Pande, learned Senior Counsel assisted by Sri Vedansh Pathak, learned counsel for the respondent No.3 that all aspect of the matter has been dealt with by the respondent No.2 while allowing the application filed by the respondent No.3 under Section 80 of Code, 2006. It is further argued that after taking into consideration relevant facts and grounds as mentioned in the recall application, the same was rejected by the respondent No.2 vide order dated 17.01.2026, hence it is not a fit case for interference by this Court

specially under Article 226 of the Constitution of India.

7. Learned Standing Counsel for the respondents-State has also adopted the same arguments.

8. Heard learned counsel for the parties and perused the record.

9. From perusal of the record, it transpires that the application submitted by the respondent No.3 under Section 80 of Code 2006, was allowed vide ex-parte order dated 06.11.2025 by the respondent No.2. For recalling the aforesaid order, a recall application had been filed by the petitioners taking various grounds, some of the grounds had been quoted above. The respondent No.3 filed objection to recall application but the averments made in paragraph Nos.9, 10 and 11 of the recall application has not been denied by him. From perusal of the order dated 17.01.2026 by which the recall application has been rejected, it is clear that without taking into consideration the aforesaid aspect of the matter, the restoration application has been rejected which vitiates the aforesaid order itself. It further reveals from perusal of the aforesaid order that the same is a non-speaking order and only after noting down the contentions made by the parties and without recording any independent finding and without taking into consideration the averments made in the recall application filed by the petitioners which were not specifically denied by the respondent No.3 in its objection/reply, the recall application was rejected.

10. In administrative law the duty to assign reason is, however, a judge made law but in case of judicial authorities who exercise the judicial powers under the various statutes, there is no dispute that their order must contain reasons to support the orders. The judicial order without assigning any reason is not an order in the eye of the law.

11. In India, the position is somewhat different but the Courts have shown a good deal of creativity in this area. A very significant reason of the Indian Courts is to develop the idea that natural justice demands that

adjudicatory bodies give reasons for their decisions. The Hon'ble Supreme Court has also held that as several constitutional provisions guarantee judicial control of adjudicatory bodies, it is obligatory for such bodies to render reasoned decisions so as to make judicial control effective and meaningful.

12. Very recently in the book published by Dr. Rajendra Prasad, National Law University Prayagraj "Annual Survey of Allahabad Law" Volume I /2025 ISSN :3108-2770, an article written by Vice Chancellor of National Law University, Shimla is also published. Paragraph No.3 of aforesaid article reads as follows:-

The principles of natural justice apply both to quasi judicial as well as administrative inquiries entailing civil consequences. Administrative law is a sister concern of Constitution of India, also protects the fundamental rights of citizens, as guaranteed by the Constitution of India. In A.K. Kraipak v. Union of India reported in (1969) 2 SCC 262 the court emphasised on "the aim of the rules of natural justice is to secure justice or to put it negatively, to prevent miscarriage of justice and justice, in a society which has accepted socialism as its article of faith in the Constitution is dispensed not only by judicial or quasi-judicial authorities but also by authorities discharging administrative functions." In Maneka Gandhi v. Union of India also the application of principle of natural justice was extended to the administrative action of the State and its authorities. In Union of India v. Tulsi Ram Patel to know what is natural justice, the court referred that 'natural justice has been variously defined by different judges, a few instances will suffice'. The principles of natural justice (nemo judex in causa sua the rule against bias and audi alteram partem the right to a fair hearing), ensures fairness and transparency in all administrative processes. Further, recording of reasons is a principle of natural justice and every judicial/quasi-judicial order must be supported by reasons to be recorded in writing. It ensures transparency and fairness in the decision-making process. The person who is adversely affected wants to know as to why his submissions have not been accepted. Giving of reasons ensures that a hearing is not rendered as a meaningless charade.

13. From perusal of the facts as narrated above, it is clear that the order dated 06.11.2025 & 17.01.2026 passed by the respondent No.2/Sub Divisional Magistrate, Tehsil Duddhi District Sonbhadra were passed in complete violation of principles of natural justice, hence the same is liable

to be set aside and hereby quashed.

14. The respondent No.2/Sub Divisional Magistrate, Tehsil Duddhi District Sonbhadra is directed to pass fresh order in the matter most expeditiously and preferably within a period of three months from the date of production of certified copy of this order but after providing opportunity of hearing to petitioners as well as respondent No.3.

15. With the aforesaid observations, the writ petition is allowed.

(Prakash Padia,J.)

February 27, 2026
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