



2026:AHC:60422

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1672 of 2026

Kashi Nath Yadav

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Kripa Shankar Shukla, Ram Krishna Pandey

Counsel for Respondent(s) : Adya Prasad Tewari, Ankit Kumar Yadav, C.S.C., Satyam Sharma

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Kripa Shankar Shukla, learned counsel for the petitioner and Sri Adya Prasad Tewari, learned counsel for the respondents.

2. At this stage Court does not find any reason not to follow the order passed by Co-ordinate Bench in Writ-A No.3475 of 2026 dated 30.1.2026, since after order dated 15.6.2013, whereby consolidated revision petitions was dismissed being not maintainable and subsequently one of the separate revision petitions was dismissed by an order dated 15.9.2025 and challenge to it was allowed in above referred Writ Petition, whereas present case is arising out of dismissal of other Revision Petitions.

3. For reference, order dated 30.1.2026 is reproduced hereinafter:

"1. Heard learned counsel for the petitioner and learned Standing Counsel.

2. Petitioner by means of present writ petition has prayed for following reliefs:

"i. Issue, a writ, order or direction in the nature of certiorari quashing the impugned order dated 15.09.2025 and 05.11.2009 (Annexure No. 14 and 4) passed by the respondent no.2 and 3, respectively;

ii. Issued, a writ, order or direction in the nature of

mandamus directing the respondents not to interfere in peaceful possession over the plot in question of the petitioner i.e. Plot no. 117 situated in Village Barthauni Tehsil and District Varanasi."

3. The contention of learned counsel for the petitioner is that the proceedings under Section 41 of the U.P. Land Revenue Act, 1901 was initiated against the father of the petitioner, Late Hari Nath and the same was decided vide the order dated 05.11.2009. Late Hari Nath and his brother Baij Nath on coming to know about the order dated 05.11.2009 had filed an application for restoration dated 12.05.2010 but the same was also rejected vide the order dated 05.02.2013 on the ground that it was time barred.

4. Being aggrieved by the order dated 05.02.2013 and the order dated 05.11.2009, Revision No.109 of 2013 under Section 219 of the U.P. Land Revenue Act, 1901 was filed. However, the revision so filed was rejected vide the order dated 15.06.2013 solely on the ground that two separate revisions ought to have been filed against the order dated 05.11.2009 and the order dated 05.02.2013.

5. It is submitted on behalf of the petitioner that in pursuance to the order dated 15.6.2013, the revision filed under Section 219 of the U.P. Land Revenue Act, 1901 against the order dated 05.11.2009 registered as Case No. 151 of 2012-13 before the Additional Commissioner (Administration), Varanasi besides another revision was filed against the order dated 05.02.2013 by means of which application for restoration had been rejected.

6. It is contended on behalf of the petitioner that the revision registered as Case No. 151 of 2012-13 has been rejected solely on the ground that the previous Revision No. 109 of 2013 has already been dismissed by means of order dated 15.06.2013 and no second revision was maintainable against the same order. The Revisional Authority while dismissing the revision amongst others had held as under:

"6- मैने पत्रावली का विधिवत अवलोकन किया। पत्रावली के अवलोकन से स्पष्ट होता है कि अवर न्यायालय द्वारा पारित आदेश दिनांक 05-11-2009 के विरुद्ध हरिनाथ पुत्र स्व० हजारी, निवासी ग्राम बरथौली, परगना कटेहर, तहसील व जिला बाराणसी द्वारा इस न्यायालय के समक्ष निगरानी संख्या 109/2013 हरिनाथ बनाम दूधनाथ आदि योजित किया गया था, जिसे सुनवाई उपरान्त आदेश दिनांक 15-06-2013 के माध्यम से निरस्त कर दिया गया। पुनः अवर न्यायालय द्वारा पारित आदेश दिनांक 05-11-2009 के विरुद्ध पुनः निगरानी योजित किये जाने का कोई औचित्य नहीं है। निगरानी बलहीन है और निरस्त किये जाने योग्य है।"

7. It is difficult to understand that once the revision registered as Case No. 151 of 2012-13 had been filed in compliance of the order dated 15.06.2013 passed in Revision No. 109 of 2013 which was dismissed on technical grounds that two separate revisions ought to have been filed against the order dated 05.11.2009 and order dated 05.02.2013 and not on merits, then as to how the subsequent revision could have been held to be non-maintainable.

8. Hence, it is evident that the impugned order dated 15.09.2025 has been passed without proper application of mind and appreciation of relevant aspects of the matter in controversy and as such is unsustainable in the eyes of law.

9. Under the circumstances, the present writ petition is allowed and the order dated 15.09.2025 passed by the Additional Commissioner (Administration) Varanasi in Case No. 151 of 2012-13 Computerized Case No. C20131400001076 is set aside and the matter is remanded back to the respondent no.2-Additional Commissioner (Administration), Varanasi Division, Varanasi to decide the revision afresh within a period of three months from the production of certified copy of this order after affording opportunity of hearing to all the concerned parties and in due accordance with law. "

4. Accordingly, impugned order dated 16 9.2025 is set-aside and matter is remanded to concerned respondent to hear the

concerned revision petition on merit a fresh within three months.

5. Writ Petition is accordingly disposed of.

(Saurabh Shyam Shamsbery,J.)

March 24, 2026
SB