



2026:AHC:60468

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2012 of 2026

Suresh

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Manju Lata Verma, Ram Sumer Chaudhary
Counsel for Respondent(s)	: Rupesh Kumar Singh, C.S.C., Gaurav Sharan Srivastava, Sudhir Bharti

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Ram Sumer Chaudhary, learned counsel for the petitioner and Sri Rupesh Kumar Singh,, learned counsel for the respondents.

2. This Court has passed following order on 6.2.2026:

"1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent nos.1 to 3, Sri Sudhir Bharti, learned counsel for the respondent no.4, Sri Gaurav Sharan Srivastava, learned counsel for the respondent no.5 and perused the records.

2. A lease deed was granted in favour of the petitioner by the Gram Sabha in the year 1987 and after more than 44 years a complaint under Section 128 of the U.P. Revenue Code, 2006 was filed by the respondent no.5-Sukai before the respondent no.3-District Magistrate, Maharajganj. The said complaint was duly entertained and registered as Case No.1251 of 2022. In the said proceedings an order of eviction has been passed against the petitioner. The order for cancellation of lease was passed against the petitioner by the respondent no.3 on 21.01.2025. Aggrieved against the aforesaid, statutory revision as provided under Section 210 of the Code, 2006 being Case No.293 of 2025 was filed, which was also dismissed by the respondent no.2-Commissioner, Gorakhpur Division, Gorakhpur on 23.12.2025 hence present writ petition.

3. It is informed by counsel for the respondent no.5 that pursuant to the aforesaid orders name of the land in question was recorded as Banzar in the revenue records and in this regard he placed before this Court the photo-copy of the Khatauni for the fasli year 1428-1433, which are taken on record.

4. From perusal of the aforesaid, record it is clear that the proceedings under Section 128 of the U.P. Revenue Code, 2006 was initiated against the petitioner after more than 44 years.

5. Learned Standing Counsel is granted time till 10.02.2026 to seek instructions in the matter.

6. Put up as fresh on 10.02.2026. The matter will be taken at 10.00 am sharp.

7. Till then the effect and operation of the order dated 23.12.2025 passed by respondent no.2-Commissioner, Gorakhpur Division, Gorakhpur shall remain stayed. Respondents are also restrained not to interfere in the peaceful possession of the petitioner pursuant to the order, which are under challenge in the present writ petition. "

3. This Court has asked a very specific question as to whether a document i.e. photo copy of Kisan Bahi was placed before concerned authority either in initial proceedings or in revisional proceedings since during argument, it was vehemently relied upon, however, answer of learned counsel for petitioner remained in negative.

4. Learned counsel for the respondents submits that there are concurrent findings that no document is available in the government records that land in question was ever allotted to petitioner, therefore, petitioner's possession was considered to be an illegal possession.

5. I have considered the above submissions and perused the records.

6. Court finds that even there was no document available in regard to allotment of land in dispute at the office of concerned respondent, a factor which still has to be considered is that what would be the effect of Kisan Bahi, that whether it was genuinely prepared though petitioner was ill advised so much as that said document was not placed either in initial proceedings or in revisional proceedings, still considering that petitioner is in occupation of land for more than 3 and half decades, therefore, a liberty is granted to petitioner to amend the revision petition and Revisional Court will pass a fresh order

taking note of fact of Kisan Bahi also. Accordingly, order passed in revision petition dated 23.12.2025 is set-aside and matter is remanded to concerned authority to pass a fresh order after amended grounds is filed within one week in the revision petition and thereafter it will be decided within a period of 6 weeks.

7. Writ Petition is accordingly disposed of.

8. For a period of two weeks, parties are directed to maintain status quo as on date.

(Saurabh Shyam Shamshery,J.)

March 24, 2026
SB