



2026:AHC:58330-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 284 of 2026

Rakesh Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamalendra Kumar Maurya
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Shri K.K. Maurya, learned counsel appearing for the petitioner and Shri Sandeep Singh, learned brief holder appearing for the State-respondents.

2. By means of this petition filed under Article 226 of the Constitution, petitioner has prayed for a direction in the nature of mandamus to respondents not to interfere with the possession of the petitioner over and above the land falling in plot no. 14/10/2 with an area 0.1454 hectares situate in village Kurpura, Pargana & Tehsil- Bidhuna, District- Auraiya.

3. Learned Standing Counsel earlier was directed to obtain instructions in the matter since the allegations were that the revenue authorities have wholly illegally proceeded to demolish the boundary wall of the petitioner to take forceful possession of the *bhoomidhari* land of the petitioner.

4. A personal affidavit has been filed in the matter by Satyaveer Pal, the Lekhpal of Tehsil Bidhuna, District- Auraiya. According to the affidavit, the plot no.14 is a very big number having total area of 12.7480 hectares in which the land of different tenure holders has come to be segregated as separate *khata* numbers. It is contended that tehsil is also recorded over and above the land as *khata* no.185 with an area of 2.23 hectares. Various *khataunis* of the land in question have been brought on record which shows that petitioner is also recorded in respect of plot no.14 with an area 0.1454 hectares along with other co-tenure holders. It is submitted by Shri Sandeep Singh, learned brief holder appearing for the State-respondents

that petitioner's sale deed vide which he has purchased land from original tenure holder, does not show any boundary to get the land identified inasmuch as only two-third of the land of the original tenure holder was sold out to him, meaning thereby the original tenure holders continued to be recorded as co-tenure holders. Thus, it is sought to be contended that if the petitioner encroaches upon the government land, the government is at liberty to get the boundary wall demolished, if any, has been raised. It is contended by learned counsel that the petitioner should get his land measured by joint proceedings under Section 24 of the U.P. Revenue Code, 2006, if so advised.

5. Per contra, meeting the above submissions learned counsel for the petitioner submitted that any exercise of demolition itself is bad for want of lawful authority. He submits that no tehsildar or lekhpal has an authority to pass an order without giving an opportunity of hearing to the petitioner/ tenure holder concerned.

6. Having heard learned counsel for the respective parties and having perused the records, we find that the petitioner's land as a matter of fact is not identifiable on the spot as the sale deed which has been relied upon does not record any boundary fortifying the land as a separate piece of land.

7. In the circumstances, therefore, every such tenure holder who purchases land from a recorded tenure holder should get his land demarcated in the first instance, more especially in the circumstances when only a piece of land is purchased and the original tenure holder retains the rest of the land. In the present case, two-third of the land was purchased and one-third of the land was retained by the original tenure holder who has been succeeded by his heirs, subsequently. Neither the heirs, nor the co-tenure holders are before us.

8. Accordingly, we consider it appropriate to direct the petitioner to get his land in the first instance measured and identified by drawing proceedings under Section 24 of the U.P. Revenue Code, 2006 by impleading the other co-tenure holders who are the heirs of his vendors and in the event any such application is filed, the application shall be

considered and disposed of by the prescribed authority under Section 24 of the U.P. Revenue Code, 2006 within the statutory period as prescribed thereunder after affording full opportunity of hearing to all the concerned and interested parties.

9. We however, record a note of caution for the administrative authorities that in matters of any coercive action, the administrative authorities are required at the same time to hear the party who is going to be affected. In future the revenue authorities and the civil police administration will take care of it.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

March 20, 2026
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