



2026:AHC:65126-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 7295 of 2026

Rastra Prakash Dhangar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Kumar Ray
Counsel for Respondent(s)	:	C.S.C.

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE GARIMA PRASHAD, J.**

1. Supplementary affidavit filed by Sri Anand Kumar Ray, learned counsel for the petitioner is taken on record.
2. Learned counsel for the petitioner prays for and is permitted to implead Additional Commissioner, Agra Division, Agra as respondent no.5 during the course of the day.
3. Heard learned counsel for the petitioner and learned counsel for the respondents.
4. The petitioner, being aggrieved by the notices dated 10.02.2026 and 26.12.2025 issued by the Civil Engineer, Public Works Department, Construction Division, Firozabad, whereby the petitioner has been directed to remove the construction raised over the alleged encroached land within a period of fifteen days, failing which demolition proceedings are to be initiated, has approached this Court by means of the present writ petition.
5. Learned counsel for the petitioner contends that earlier the petitioner had approached this Court by filing Writ-C No. 34488 of 2025 (Rastra Prakash Dhangar vs. State of U.P. and 3 others), wherein this Court directed the petitioner to file an application under Section 24 of the Uttar Pradesh Revenue Code, 2006, and in the event of such application being filed, the demolition proceedings were stayed.
6. It is submitted that in compliance with the judgment and order dated 10.10.2025 passed by this Court in the aforesaid writ petition,

the petitioner filed an application under Section 24 of the Uttar Pradesh Revenue Code, 2006, which was registered as Case No. T-20200/260100005 of 2026 before the Sub-Divisional Magistrate, Sadar, Firozabad. The said application was rejected by the Sub-Divisional Magistrate, Sadar, Firozabad, vide order dated 30.01.2026. It is further submitted that thereafter the petitioner preferred a statutory appeal under Section 24(4) of the Uttar Pradesh Revenue Code, 2006 before the Additional Commissioner, Agra Division, Agra, on 18.02.2026, annexed as Annexure S.A.-3 to the supplementary affidavit. It is contended that since the petitioner has already availed the statutory remedy against the order of the Sub-Divisional Magistrate, the respondents may be restrained from demolishing the construction till the said appeal is decided.

7. It is further contended that the impugned orders have been issued without affording an opportunity of hearing to the petitioner and if the petitioner had been given an opportunity of hearing by the respondent no.2 before passing the impugned orders, the petitioner would have apprised the authority concerned that a statutory appeal has already been preferred against the order rejecting his application under Section 24 of the Uttar Pradesh Revenue Code, 2006. It is submitted that if demolition is carried out during the pendency of the appeal, the appeal of the petitioner becomes infructuous.

8. *Per contra*, learned counsel for the respondents submits that the impugned order reflects that the authority has categorically recorded that the petitioner's application under Section 24 of the Uttar Pradesh Revenue Code, 2006 was rejected on the ground that the petitioner is not an interested person, therefore, the impugned order had been correctly passed.

9. Be that as it may, it is not in dispute that pursuant to the liberty granted by this Court in Writ-C No. 34488 of 2025, the petitioner filed an application under Section 24 of the Uttar Pradesh Revenue Code, 2006, which came to be rejected by the Sub-Divisional Magistrate by order dated 30.01.2026. Against the said order, the petitioner has already preferred a statutory appeal under Section 24(4) of the Uttar Pradesh Revenue Code, 2006, which is pending consideration before the appellate authority. Since the petitioner has availed the statutory remedy and the validity of the order passed by the Sub-Divisional Magistrate is yet to be adjudicated by the appellate authority, any demolition during the pendency of the appeal would render the appeal infructuous.

10. In such view of the fact, the writ petition is disposed of with a direction to the respondent no.5- Additional Commissioner, Agra

Division, Agra, to decide the appeal of the petitioner, annexed as Annexure No. S.A.3 to the supplementary affidavit, expeditiously, preferably within a period of two months from today.

11. For a period of two months from today or till the disposal of the appeal by the appellate authority, whichever is earlier, the respondents are restrained from demolishing the construction of the petitioner.

(Garima Prashad,J.) (Saral Srivastava,J.)

March 23, 2026
Sachin Mishra