



2026:AHC:31390

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 598 of 2026

Mohd Tariq

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Supplementary affidavit filed on behalf of petitioner is taken on record.
2. Heard Sri Anil Kumar Tiwari, learned counsel for the petitioner, Sri Pankaj Kumar, learned Standing Counsel for the State.
3. The instant writ petition has been filed for the following reliefs:-

"i. To issue a writ, order or direction in the nature of mandamus directing the respondents not to change the nature of the land in quesstion and also third paty right may not be created during pendency of the Revision No. 5308 of 2024 (Saif Sarfaraj Ahmad Vs Mohd. Tariq and others) and not any new construction may be raised over the said land till the disposal of present writ petition.

ii. To issue any other and further order, as this Honble Court may deem fit and proper in the facts and circumstances of the present case.

iii. To award cost of the writ petition to the petitioner."

4. Learned counsel for the petitioner submitted that Revision No. 5308 of 2024 filed by private respondent no. 3 impleading the petitioner as opposite party is pending before the respondent no. 2-Board of Revenue, since 2024. He further submitted that earlier Writ-B No. 86 of 2026 filed by the petitioner was disposed of vide order dated 22.01.2026 with direction to Board of Revenue to decide the Revision No. 5308 of 2024 within a period of two months. He submitted that respondent no. 3 has started construction

over the plot in question, as such the stay application has been filed in pending Revision No. 5308 of 2024, but no order has been passed by the Board of Revenue. He further submitted that mandamus be issued directing the respondents not to change the nature land in question and third party interest may not be created during the pendency of the Revision No. 5308 of 2024.

5. On the other hand, Sri Pankaj Kumar, learned Standing Counsel for the State submitted that instant writ petition is not maintainable as earlier writ petition filed by the petitioner has already been disposed of directing the Board of Revenue to decide the Revision No. 5308 of 2024 within two months.

6. I have considered the arguments advanced by the learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

7. There is no dispute about the fact that Revision No. 5308 of 2024 filed by respondent no. 3 is pending for last more than two years before the Board of Revenue. There is also no dispute about the fact that earlier Writ-B No. 86 of 2026 filed by the petitioner has been disposed of, vide order dated 22.01.2026 directing the Board of Revenue to decide the Revision No. 5308 of 2024 within a period of two months.

8. The order dated 22.01.2026 passed by this Court will be relevant for perusal, which is as under:-

"1. Heard learned counsel for the petitioner and Mr. Pankaj Kumar, learned Standing Counsel for the State-respondents.

2. The instant petition has been filed for the following reliefs:

"i. to issue a writ order or direction in the nature of mandamus directing the learned Board of Revenue, U.P. Prayagraj to expedite and decide the Revision No.5308 of 2024 (Saif Sarfaraj Ahmad vs. Mohd. Tariq and others) expeditiously in accordance with law, without granting unnecessary adjournments.

ii. to issue a writ, order or direction in the nature of mandamus directing the learned Board of Revenue, U.P. Prayagraj to expedite and decide the stay vacation application filed by the petitioner in Revision No.5308 of 2024 (Saif Sarfaraj Ahmad vs. Mohd. Tariq and others) in

accordance with law preferably within a time bound period as this Hon'ble Court may deem fit."

3. Learned counsel for the petitioner submitted that the aforementioned revision filed by private respondent no.3 impleading the petitioner as opposite party arising out of proceeding under Section 229-B of U.P.Z.A. & L.R. Act is pending before respondent no.2/ Board of Revenue, U.P. at Prayagraj. He further submitted that interim order is operating in the aforementioned revision. He further submitted that the copy of order sheet of the case has been annexed as Annexure No.5 to the petition in order to demonstrate that the case is not proceeding expeditiously.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2/ Board of Revenue, U.P. at Prayagraj is directed to decide the aforementioned revision after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of two months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally disposed of."

9. Since earlier, writ petition for mandamus filed by the petitioner has already been disposed of directing the Board of Revenue to decide the pending revision within specified period, as such, the instant petition for mandamus cannot be entertained, as the revision which is pending for last more than two years has already been ordered to be decided within period of two months .

10. No interference is required in the matter.

11. The writ petition is **dismissed**.

February 12, 2026
Neetu

(Chandra Kumar Rai,J.)