



2026:AHC:37753

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5737 of 2026

Uday Narayan Rai And Another

.....Petitioner(s)

Versus

State Of U.P. And 23 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jai Prakash Rai, Rajesh Tewari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The proceedings initiated by the petitioner under Section 176 of the U.P.Z.A. & L.R. Act, 1950 registered as RST No.1777 was dismissed in default vide order dated 29.04.2025 and on the same date an application for restoration was filed by the petitioner but by way of mistake, it is mentioned as application under Section 116 in place of 176. The aforesaid restoration application was rejected vide order dated 09.12.2025 on the ground that the original suit was filed under Section 176 of the Act, 1950 but the restoration application was filed under Section 116 of the U.P. Revenue Code, 2006.

2. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent-State and perused the records.

3. In view of the order proposed to be passed herein, no useful purpose would be served by putting the respondent/respondents to notice and keeping this petition pending before this Court. However, in case respondent/respondents feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

4. From perusal of the aforesaid, the Court is of the prima facie opinion that the application for restoration was rejected by the respondent no.2- Sub Divisional Magistrate, Tehsil- Mohammadabad, District Ghazipur on a higher technical ground, which should not be done and in case it was found by the respondent no.2 that there was certain typographical mistake at least an opportunity should be given to correct the said mistake.

5. In this view of the matter and also in the interest of justice, since the restoration application was filed on the date when the matter was dismissed in default, the restoration application is allowed with cost of Rs.5,00/-, which should be deposited by him within a week in favour of High Court Bar Association, Allahabad. If it is so petitioner is permitted to move a misc. application along-with certified copy of this order and proof of deposit of cost of Rs.500/- before the respondent no.2 within a week, thereafter, respondent no.2 is directed to pass formal order on the restoration application within two weeks thereafter and decide the entire matter on merits expeditiously.

6. With the aforesaid observations, present writ petition is allowed.

(Prakash Padia,J.)

February 19, 2026

Pramod Tripathi