



2026:AHC:35761

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 581 of 2026

Smt. Angoori Devi (Since Deceased) And 4 Others

.....Petitioner(s)

Versus

Board Of Revenue U.P. At Prayagraj And 11
Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rajesh Dutta Pandey
Counsel for Respondent(s)	: Avinash Chandra Srivastava, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Rajesh Dutta Pandey, learned counsel for the petitioners, Mr. Avinash Chandra Srivastava, learned counsel for the respondent-Gaon Sabha and Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents.

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

" A writ order or direction in the nature of certiorari to quash the order dated 28.01.2026 passed by Respondent No. 1 in Case No. REV/5489/2025/Mathura, Computer Case No.-AL20250150005489 Smt. Angoori Devi and others Vs Additional Sub Divisional Officer second Mathura and others, under section 333 U.P. Z.A. and L.R. Act 1950 up-to the extent the respondent no. 1 has not granted the interim order in favor of the petitioners."

3. Learned counsel for the petitioners submitted that the suit under Section 144 of U.P. Revenue Code, 2006 filed by Angoori Devi (petitioners' mother) was entertained and interim injunction was granted by trial Court for maintaining status quo on 19.1.2021. He further submitted that the defendants filed application to dismiss the suit as barred by Section 49 of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as "U.P.C.H. Act") which was rejected. He further submitted that the second application was filed by defendant which was allowed and the suit filed by petitioners' mother was dismissed as barred by Section 49 of U.P.C.H. Act. He further submitted that revision against the order dismissing the petitioners' suit as barred by Section 49 of

U.P.C.H. Act is pending before the Board of Revenue but prayer for interim relief has been rejected by the Board of Revenue. He further submitted that the petitioners filed Writ-B No.5192 of 2025 before this Court when the application for interim relief was pending before Board of Revenue which was disposed of by this Court vide order dated 15.12.2025 directing the Board of Revenue to decide the stay application dated 13.11.2025 filed by petitioners within period of six weeks and for the period of 8 weeks or till the disposal of stay application whichever is earlier, parties were directed to maintain status quo as on date with regard to nature and possession of the land in dispute. He further submitted that the Board of Revenue has passed the impugned order rejecting the prayer for interim relief in arbitrary manner, as such, the impugned order should be set aside and interim relief as prayed by the petitioners should be granted during pendency of the revision before the Board of Revenue. He placed reliance upon the judgement of this Court reported in **2007 (102) RD 498, Ali Sher Vs. State of U.P. Through Collector, Bijnor and Others** in support of his argument.

4. Learned Standing Counsel and learned counsel for the gaon sabha submitted that no interference is required in the matter as revision filed by petitioner is pending, as such, petitioner should contest the proceeding of revision rather writ petition before this Court.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that revision filed against dismissal of suit as barred by Section 49 of U.P.C.H. Act is pending before the Board of Revenue but prayer for interim relief has been refused.

7. Perusal of the earlier order of this Court passed on 15.12.2025 in Writ-B No.5192 of 2025 will be relevant, which is as under:

"1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Sri Avinash Chandra Srivastava, learned counsel for the respondent-Gaon Sabha.

2. Present petition has been filed with the following prayer:-

"(i) Issue a writ order or direction in the nature of certiorari for quashing the order dated 24.11.2025 passed by respondent no.1 in Case No.Rev/5489/2025/Mathura, (Computerized Case No.AL20250150005489) Smt. Angoori Devi and others vs. Additional Sub Divisional Officer, Second Mathura and others, under Section 333 of the U.P.Z.A. & L.R. Act up to the extent the respondent no.1 has not granted the interim order in favour of petitioners.

(ii) Issue a writ order or direction in the nature of mandamus commanding the respondent no.1 to decide the stay application dated 13.11.2025 filed by the petitioners in Case No.Rev/5489/2025/Mathura, (Computerized Case No.AL20250150005489) Smt. Angoori Devi and others vs. Additional Sub Divisional Officer, Second Mathura and others, under Section 333 of the U.P.Z.A. & L.R. Act within stipulated period fixed this Hon'ble Court."

3. After some argument, learned counsel for the petitioner submitted that he is not pressing his first prayer and only submitted that suitable direction may be issued to respondent no. 1 to decide the stay application of the petitioner dated 13.11.2025 passed in Revision no.5489 of 2025 and also grant interim protection as it was granted by the First Court on 19.1.2021 for which learned counsel for the respondents has no objection.

4. In the facts and circumstances of the case, the present petition is disposed of with the direction to the respondent no. 1 to decide the stay application of the petitioner dated 13.11.2025 in accordance with law maximum within a period of six weeks from the date of production of certified copy of this order.

5. For a period of eight weeks or disposal of stay application whichever is earlier, parties shall maintain status quo as on date with regard to nature and possession of land in dispute. "

8. Perusal of the order of trial Court which was passed during pendency of the suit under Section 144 of U.P. Revenue Code, 2006 will be also relevant, which is as under:

"आदेश पत्रक

न्यायालय : अपर उपजिलाधिकारी, प्रथम मण्डल : आगरा, जनपद: मथुरा, तहसील: सदर

वाद संख्या:-02437/2020 कंप्यूटरीकृत वाद संख्या:-T202001500102437

श्रीमती अंगरी देवी बनाम गंगा राम आदि

अंतर्गत धारा:- 144, अधिनियम: उत्तर प्रदेश राजस्व संहिता - 2006

19.01.2021 पत्रावली प्रस्तुत। प्रार्थी रामगोपाल पुत्र सोनपाल निवासी ग्राम राकौली भाग पाड़ल तहसील गोवर्धन जिला मथुरा द्वारा प्रस्तुत प्रार्थना पत्र दिनांक 12.11.2020 पर सुना। जिसमें उसके द्वारा अंकित किया है कि प्रतिवादी द्वारा वादग्रस्त भूमि में से बैनामा रनसिंह पुत्र होरी लाल निवासी नगला अक्खा भाग नैनूपट्टी के नाम दिनांक 22. 1.2020 को कर दिया है एवं शेष भूमि को भी विक्रय करने की चेष्टा में है। वादी द्वारा वाद के साथ ही धारा 229डी ज०वि०अधि० का प्रार्थना पत्र प्रस्तुत किया गया है। प्रतिवादी को भूमि या उसके अंश को विक्रय करने अथवा रहन करने से निक्षेपित किया जाय।

प्रार्थी के विद्वान अधिवक्ता की बहस सुनने के उपरान्त पत्रावली का अवलोकन किया न्यायहित में पक्षकारों को आदेशित किया जाता है कि वे विवादित आराजी पर वाद के निस्तारण तक मौके पर यथास्थिति बनाये रखें एवं विवादित सम्पत्ति को खुरद बुद करने से निषेधित किया जाता है एवं मौके पर शांति व्यवस्था बनाये रखें। पत्रावली वास्ते सुनवाई हेतु दिनांक 30.1.2021 को पेश हो।

अपर उपजिलाधिकारी (प्रथम)

मथुरा।"

9. This Court in the case of **Ali Sher (supra)** has held that interim protection be granted during pendency of appeal / revision if the order under appeal / revision has serious civil consequences.

Paragraph Nos.4 & 5 of the judgment is relevant which are as follows:

"4. It is well settled that once an appeal or revision is entertained by a higher Court against an order having civil consequences stay normally should be granted to avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries."

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

10. Considering the interim injunction granted by the trial Court as well

as interim protection granted by this Court while issuing the direction to the Board of Revenue to decide the stay application, petitioner is entitled for interim relief during pendency of the revision before the Board of Revenue.

11. Considering the entire facts and circumstances of the case, the instant petition is finally ***disposed of*** directing respondent no.1/ Board of Revenue, U.P. at Prayagraj to decide the aforementioned petitioners' revision after affording opportunity of hearing to the parties, expeditiously preferably within a period of three months from the date of production of certified copy of this order. It is further directed that till the disposal of the petitioners' revision, parties are directed to maintain status quo with respect to nature and possession of the plot in question and no third party interest shall be created by the parties in respect to the plot in question. The notice has not been issued to the private respondents, as such, they can apply for recall of the order if they are aggrieved by the order in any manner.

(Chandra Kumar Rai,J.)

February 18, 2026

Rameez