



2026:AHC:49372

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5499 of 2026

Sadavriksha

.....Petitioner(s)

Versus

State Of U.P. And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Antima Rajbhar, Hari Prakash Tiwari
Counsel for Respondent(s)	: C.S.C., Rameshwar Prasad Shukla

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. In the proceedings initiated under Section 67 of U.P. Revenue Code, 2006 against the petitioner which was registered as Case No.13052 of 2025 (Computerized Case No.T202515510113052 (Gaon Sabha Vs. Sadvriksha), the order of eviction and damages has been passed by the respondent No.3/Tehsildar, Tehsil Maunath Bhanjan District Mau on 24.01.2026 is under challenge.

2. It is argued by learned counsel for the petitioner that earlier the proceedings under Section 122-B of U.P. Z.A. & L.R. Act, 1950 was initiated against the petitioner in which order was passed in favour of the petitioner on 10.04.2021 but this aspect of the matter was not taken into consideration by the respondent No.3 while passing the order impugned. It is argued that the order impugned has been passed without providing opportunity of hearing and in complete violation of principles of natural justice.

3. On the other hand, it is argued by learned Standing Counsel that since nobody was present at the time of hearing before the respondent No.3, the order was rightly passed the respondent No.3. It is further argued that against the aforesaid order, statutory remedy is available to the petitioner to file appeal before the appellate authority as provided under Sub Section 5 of Section 67 of U.P. Revenue Code, 2006.

4. Heard learned counsel for the petitioner, learned Standing Counsel for respondent Nos.1 to 3 and Sri Rameshwar Prasad Shukla, learned counsel

for respondent Nos.4 & 5.

5. In view of the order proposed to be passed, no need to issue notices to the respondent Nos.6 to 11. In case, they feel aggrieved they have liberty to file recall application.

6. After going through the order dated 24.01.2026 passed by the respondent No.3, the Court is more than satisfied that the order impugned is non-speaking order and the same has been passed without application of mind the order dated 24.01.2026 passed by the respondent No.3 is liable to be set aside.

7. Insofar as alternative remedy is concerned, the Hon'ble Apex Court in case of ***Whirlpool Corporation vs Registrar Of Trade Marks, Mumbai & Ors reported in (1998) 8 SCC 1*** has held that in case the order is passed in violation of principles of natural justice the affected party approach this Court directly. Relevant paragraph reads as follows:-

"15. Under [Article 226](#) of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principles of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutions law as they still hold the field."

8. In this view of the matter, since the order impugned has been passed in the absence of the petitioner and without providing opportunity of hearing to the petitioner and in complete violation of principles of natural justice,

the order dated 24.01.2026 passed by the respondent No.3/respondent No.3/Tehsildar, Tehsil Maunath Bhanjan District Mau is liable to be set aside and the same has been quashed.

9. The respondent No.3/Tehsildar, Tehsil Maunath Bhanjan District Mau is directed to pass fresh order in the matter strictly in accordance with law, if so advice.

(Prakash Padia,J.)

March 11, 2026
saqlain