



2026:AHC-LKO:22583

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2929 of 2026

Shiv Mohan Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Revenue, Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pankaj Kumar Tiwari
Counsel for Respondent(s)	:	C.S.C., Dilip Kumar Pandey

Court No. - 6

HON'BLE PANKAJ BHATIA, J.

1. Learned Standing Counsel has produced instructions which are taken on record.
2. Heard learned counsel for the petitioner; learned ACSC for respondent nos.1 to 5 and Shri Dilip Kumar Pandey, learned counsel for respondent no.6.
3. Present petition has been filed challenging the order dated 24.04.2024 whereby proceedings were initiated against the petitioner and order for eviction was passed against the petitioner as well as order dated 26.11.2024 whereby the appeal preferred by the petitioner was dismissed.
4. Facts, in brief, are that the petitioner claims to be in occupation of the property on the basis of some lease in his favour. The respondents initiated proceedings against the petitioner under Section 67 of U.P. Revenue Code mainly on the ground that the property in question was not an abadi land and the petitioner was in unauthorized occupation of the said land. The land is shown to be a banjar land. It is claimed by the petitioner that no notice was ever served, however, an order came to be passed against the petitioner on 24.04.2024.
5. A perusal of the said order reveals that the petitioner was shown to be in unauthorized occupation of the property bearing Gata No.1297mi/1.736 hectares which is a banjar land. It was also recorded that the respondent in

the said proceedings - petitioner herein - was not present and in view of the direction given by this Court for early disposal, the report of the Inspector was perused and based upon the said report, order of eviction came to be passed on 24.04.2024.

6. Aggrieved against the same, the petitioner preferred an appeal alongwith an interim relief application. As the same was not being decided, the petitioner approached this Court by filing Writ - C No.6028 of 2024 which was disposed off on 12.07.2024 directing that the interim relief application filed by the petitioner alongwith appeal may be decided within a period of three weeks, and interim relief against demolition was also passed in favour of the petitioner. Subsequently, the appeal came to be decided by means of the order dated 26.11.2024.

7. Both the said orders are under challenge in this petition.

8. Contention of learned counsel for the petitioner is that the fact with regard to non giving an opportunity of hearing was not dealt with by the appellate authority. It is further argued that the petitioner had also pleaded that the petitioner would be entitled to the benefits of Section 67A of U.P. Revenue Code which has been recorded but not dealt with in the appellate order. It is further recorded that the entire area is inhabited by various persons and selective action has been taken against few persons.

9. Learned ACSC, based upon instructions, argues that in terms of the directions passed by this Court in Writ - C No.1344 of 2026 which was treated as a PIL, on 25.02.2026 this Court had issued instructions for execution of the orders of eviction which have already been passed and thus, in furtherance of the said directions, steps were taken for evicting the petitioner. It is further argued that the said directions contained in the judgment dated 25.02.2026 have not been challenged by the petitioner.

10. As regards the submission of the petitioner with regard to the benefit under Section 67A of U.P. Revenue Code as claimed by him, the instructions are silent with regard to whether the benefits as claimed by the petitioner are available or not.

11. It is fairly admitted that the pleadings with regard to the claim of the

petitioner flowing from Section 67A of U.P. Revenue Code have not been dealt with in the appellate order.

12. Considering the submissions made at the bar, general directions were given by this Court in its judgment dated 25.02.2026 passed in Writ - C No.1344 of 2026 asking for an explanation as to why the eviction order passed has not been executed. Intent of the Court was never to direct or suggest that the remedies that are available to the aggrieved persons may not be permitted to be exhausted. Thus, the direction given by this Court cannot *ipso facto* deny the rights flowing in favour of the petitioner.

13. Coming to the appellate and the eviction order passed, eviction order is clearly *ex parte* and no defence of the petitioner was considered or permitted to be filed. The defenses and the contentions of the petitioner even before the appellate authority have not been considered.

14. In the absence of consideration of the statutory rights as claimed by the petitioner, both the impugned orders i.e. 24.04.2024 & 26.11.2024 cannot be sustained and are quashed.

15. The petitioner shall now appear before Tehsildar, Raebareli on 09.04.2026 and shall file his reply against the proposed proceedings under Section 67 of U.P. Revenue Code.

16. On the basis of the reply submitted and after giving an opportunity of hearing, the Tehsildar shall pass fresh orders in accordance with law, preferably within a period of two months of the reply being filed.

17. The petitioner thereafter shall be entitled to avail such remedies as may be available to him under law.

18. It is made clear that in case the petitioner does not file his objection by 09.04.2026, the protection granted by this Court will automatically come to an end.

19. Shri Dilip Kumar Pandey, learned counsel for respondent no.6 very fairly states that in case the petitioner wants the benefit under Section 67A of U.P. Revenue Code, he will have to approach the SDM concerned and place the said application on record before the Tehsildar.

20. Fairness of Shri Dilip Kumar Pandey is appreciated.

21. The petitioner would be at liberty to avail the remedies as may be flowing in his favour by virtue of Section 67A of U.P. Revenue Code in accordance with law.

22. The petitioner would also be entitled to claim any other statutory benefits that may be available to him.

23. Present petition stands ***allowed*** in above terms.

(Pankaj Bhatia,J.)

March 31, 2026

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