



2026:AHC-LKO:21050

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1000794 of 2001

Shivram

.....Petitioner(s)

Versus

The Collector Hardoi And Others

.....Respondent(s)

Counsel for Petitioner(s) : Vinod Kumar Singh

Counsel for Respondent(s) : C.S.C., R.N.Gupta, Vinod Kumar Sinha

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Seen office report dated 17.3.2026 whereby it has been reported that undelivered cover of speed post card notice issued to opposite party no.4 on 06.02.2026, dispatched on 7.2.2026 has not been received back nor any vakalatnama has been filed till date. Hence, service of notice is deemed sufficient upon opposite party no.4 in view of Chapter VIII Rule 12, Explanation II of the High Court Rules.

2. By means of the present writ petition, the petitioner has prayed for issuance of a writ in the nature of Certiorari quashing the impugned judgment and orders dated 3.12.1999 and 29.12.2000 passed by opposite party nos.3 and 2 as contained in Annexure Nos.4 and 6 respectively to the writ petition.

3. Factual matrix of the case is that the petitioner was granted lease for the land in dispute on account of under-going Leprosopoc Tubectomy (Nasbandi) of wife of the petitioner and in pursuance thereof on 25.1.1986 Lekhpal of the area handed over the possession in pursuance to the lease granted to the petitioner and since then handing over possession of the land in dispute the petitioner is in possession.

A notice was issued under Section 49(ka) of U.P.Z.A.& L.R. Act alleging that the petitioner is illegal possession over the land in dispute. An objection was filed by the petitioner mentioning specifically that the said land was given on patta to the landless petitioner. Vide order dated 31.12.1999, the Tehsildar without pursuing the evidence passed an order

that the petitioner is in illegal possession over the land in dispute. Against the order passed by the Tehsildar, the petitioner filed revision before opposite party no.2 which has also been dismissed vide order dated 29.12.2000. Feeling aggrieved by both the aforesaid orders, the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner submits that the petitioner was granted lease on Gata No.142 and on the basis of handing over the possession treating Gata No.142 possession was given to the petitioner.

5. Learned counsel for the petitioner next submits that in case the petitioner was wrongly given possession over the land in dispute then the Tehsildar and the Revisional Court would have passed an order for handing over the possession on Gata No.142 to the petitioner.

6. Learned counsel for the petitioner next submits that it was incumbent upon the Tehsildar and Revisional Court to hand over the possession on Gata No.142 in spite of dispossessing the petitioner from the land in dispute.

7. Per contra, learned Standing Counsel does not dispute in regard to possession of the petitioner to be given at Gata No.142. He next submits that in case possession was handed over to the petitioner on wrong Gata number, then while passing the orders impugned the petitioner would have given possession of the land on which lease was granted to him.

8. Having heard the rival submissions of learned counsel for the parties, I have perused the material on record.

9. On perusal of the impugned order dated 31.12.1999 it is evident that the land on which the petitioner was handed over the possession by the Lekhpal is public utility land, therefore he came to the conclusion that the possession of the said land would not be given to him.

10. The Revisional Court has also affirmed the order passed by the Tehsildar for handing over the possession to the petitioner on the correct land leased out on Gata No.142. The Revisional Court has also committed error apparent in the order and without directing the Tehsildar to hand

over the possession of the petitioner on the correct land leased out to him at Gata No.142, the impugned order passed is not justifiable in law and is liable to be set aside by this Court.

11. This Court is of the opinion that the Tehildar may be directed to hand over the possession to the petitioner on Gata No.142 while measuring area by Lekhpal or Supervisor, Kanoongo.

12. Accordingly, this writ petition is partly **allowed** with a direction to the Tehsildar to hand over possession to the petitioner on Gata No.142 within a period of one month from the date of production of a certified copy of this order.

(Irshad Ali,J.)

March 24, 2026

GK Sinha