



2026:AHC-LKO:20519

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1000034 of 2003

Babu Lal And Another Objection Filed

.....Petitioner(s)

Versus

State Of U.P.Through Secretary Revenue
Lucknow And Others 4

.....Respondent(s)

Counsel for Petitioner(s) : H.K.Mishra, Abhisht Saran, Govind
Saran Nigam, R.K.S.Chauhan,
Rahul Kumar Kashyap

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

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard Shri Abhisht Saran, learned counsel for the petitioners and Shri Satrugan Chaudhary, learned Additional Chief Standing Counsel for the respondents-State.

2. Notice was issued to respondent no.5 (Land Management Committee) and as per the report, it is found to be deemed sufficient.

3. By means of the present writ petition, the petitioners are challenging order dated 6.9.2002 passed by opposite party no.2 in Civil Revision No.341A of 1998-99 and order dated 22.8.1983 passed in Case No.644 under Section 198 of the U.P. Zamindari Abolition and Land Reforms Act, 1950.

4. Factual matrix of the case is that the Land Management Committee of Village Jangal Bujurg, Pargna Bhagwant Nagar, Tehsil Bighapur, District Unnao allotted the agricultural land in favour of the petitioner along with some other persons. Complaint was lodged against some patta holders under Section 198 A (4) of the U.P.Z.A. & L.R. Act, 1950 and lease was cancelled vide order dated 24.10.1975.

The order passed by the Additional Collector was challenged in

the revision before the Revisional Court who set aside order dated 5.8.1980 and confirmed the allotment dated 24.10.1975 and subsequently, the Board of Revenue allowed the claim of the other persons through reference no.11 order dated 26.10.1989.

The petitioner also filed revision before the competent court of law and place documentary evidence before the Revisional Court in respect of the same allotment and the order whereby the allotment order dated 24.10.1975 has been declared valid. The Additional Commissioner dismissed the revision of the petitioner holding that the resolution dated 24.10.1975 is not valid resolution.

5. Submission of learned counsel for the petitioner is that once in regard to the same resolution revision was allowed by making reference to the Board of Revenue that allotment through lease to the lease holder are valid which were confirmed in the reference made by the Board of Revenue, therefore the claim set up by the petitioner would have been taken into consideration in the light of the order passed by the Additional Commissioner and Board of Revenue.

6. Next submission of learned counsel for the petitioner is that the Additional Commissioner has committed manifest error of law in holding that the lease of the year 24.7.1975 is valid in view of the fact that in similar proceeding of cancellation of lease of the same resolution dated 24.10.1975 which has been held that the lease granted to the other persons is valid.

7. Last submission of learned counsel for the petitioner is that he was only seeking parity of those lease holders who were granted lease on 24.10.1975 which has been revised by the Commissioner in wholly illegal manner.

8. On the other hand, Shri Strughan Chaudhary, learned Additional Chief Standing Counsel submits that the order of the Additional Commissioner is just and valid order and no infirmity has been committed in passing the order.

9. Last submission of learned Additional Chief Standing Counsel is that the revision was filed beyond time, therefore taking into consideration the material on record the order was passed holding that the resolution dated 24.10.1975 is invalid resolution.

10. Having heard the rival submission of learned counsel for the parties, I have perused the material available on record.

11. On perusal of the order passed by the Commissioner, no notice was taken into account in passing the order and the order of the Commissioner dated 22.8.1983 whereby the Additional Commissioner allowed the revision in regard to the similar situated persons, who were granted lease vide resolution dated 24.10.1975 and due to non-consideration of the similar position of resolution dated 24.10.1975 the order impugned suffers from apparent illegality and is not sustainable in the eyes of law.

12. The Commissioner has dealt with the matter in separate manner without taking into consideration the earlier order passed by him, therefore the order is *per se* illegal and is not sustainable in law. The Commissioner would have been considered the claim set up by the petitioner on the ground of deciding similar other cases and the order is also part and parcel of the resolution dated 24.10.1975. Due to non-taking consideration of the above aspects, the impugned orders suffer from apparent illegality and is liable to be set aside.

13. The Board of Revenue has also considered the claim set up by the other persons who were lease holders under resolution dated 24.10.1975 and affirmed order of the Additional Commissioner in the matter, therefore the claim set up by the petitioner is also liable to be considered in the same manner.

14. In view of the reasons recorded above, impugned order dated 6.9.2002 passed by opposite party no.2 in Civil Revision No.341A of 1998-99 and order dated 22.8.1983 passed in Case No.644 are quashed.

15. However, the matter is remanded back to the Commissioner, Lucknow Division, Lucknow to pass appropriate order in accordance with law and taking into consideration the resolution dated 24.10.1975 and order dated 23.8.1983.

16. In the result, the writ petition succeeds and is **allowed**.

March 19, 2026

GK Sinha

(Irshad Ali,J.)