



2026:AHC:37792

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2953 of 2026

Dashrath

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Charan Singh
Counsel for Respondent(s)	: Bhupendra Kumar Tripathi, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioner which was numbered as Case No.05046 of 2018, Computer Case No.T201814360105046. In the aforesaid case, an order dated 13.10.2025 was passed by the Respondent No.3, Tehsildar, Tehsil Shahganj, District Jaunpur against the Gaon Sabha and notice issued against the petitioner was withdrawn.
2. Aggrieved against the aforesaid, one Shri Jaynath alleging himself a member of the Gaon Sabha/ Respondent No.5, preferred an appeal as provided under Section 67(5) of the U.P. Revenue Code, 2006 which was numbered as Appeal No.5561 of 2025, Computerized Case No.D202514360005561. The said appeal was allowed by the Respondent No.2 namely District Magistrate, Jaunpur and the matter was remanded back by the Respondent No.2 vide order dated 06.01.2026.
3. Aggrieved against the aforesaid, the petitioner has preferred the present writ petition.
4. It is argued by the counsel for the petitioner that in the appeal filed by the Respondent No.5, the petitioner who is a necessary party was not arrayed as opposite party. It is further argued that the petitioner was neither arrayed as one of the Respondent in the appeal filed by the Respondent No.5 nor opportunity of hearing was provided, hence the order is passed in an ex-party manner. Hence the same is liable to be set aside.

5. In response to the same, it is argued by the counsel appearing on behalf of respondent that in the appeal filed by the Respondent No.5, the petitioner was duly heard.

6. This fact is clear from perusal of paragraph-2 of an internal page-2 of the order passed by the appellate authority. It is unfortunate that arguments made by the counsel for the petitioner is against the record.

7. In this view of the matter, the Court is of the prima facie opinion that the writ petition is liable to be dismissed imposing exemplary cost upon the petitioner.

8. Taking the lenient view, since the matter is argued by the junior counsel, the matter will not only remanded back before the court below i.e., Respondent No.3, Tehsildar (Judicial), Tehsil Shahganj, District Jaunpur but also the Court below is directed to without interfering with the order dated 06.01.2026 passed by the Respondent No.2, decide the matter a fresh strictly in accordance with law.

9. It is made clear that the respondent no.3 will decide the matter a fresh without influence with the observations made by this Court.

10. With the aforesaid observations, the writ petition is **dismissed**.

(Prakash Padia,J.)

February 19, 2026

Swati