2026:AHC:32142

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 3074 of 2026

Asharfi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shriprakash Shrivastava
Counsel for Respondent(s)	:	C.S.C., Sudhir Bharti

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred present writ petition inter-alia with the prayer to quash the impugned order dated 29.04.2023 passed by respondent No 2/District Magistrate, Kushinagar bearing Case No. 1881 of 2022, (Computer Case No. T202205440001881) (Asharfi verses Gaon Sabha) under Section 67(5) of U.P. Revenue Code 2006 as well as order dated 30.04.2022 passed by respondent No. 3/Tehsildar, Tehsil Tamkuhiraj, Kushinagar in Case No. 06855 of 2020 (Computer Case No. T202005440306855) (Gaon Sabha Vs. Asharfi) under Section 67 of U.P. Revenue Code, 2006

2. Apart from various other arguments, one of the arguments has been raised by counsel for the petitioner that aforesaid orders were passed in complete violation of the procedure prescribed in para-74 passed in the case of ***Rishipal Singh and others Vs. State of U.P. and others reported in 2023 (1) ADJ 15***4 hence same are liable to be set aside.

3. This fact is also admitted by counsel for the respondents.

4. In view of the same, since the orders dated 29.04.2023 passed by respondent No 2/District Magistrate, Kushinagar & order dated 30.04.2022 passed by respondent No. 3/Tehsildar, Tehsil Tamkuhiraj,

Kushinagar were passed in complete violation of procedure prescribed in the case of ***Rishipal (supra)*** hence same are liable to be quashed and are hereby quashed.

5. With the aforesaid observations, the writ petition is allowed. No order as to costs.

6. The respondent No. 3/Tehsildar, Tehsil Tamkuhiraj, Kushinagar is directed to pass fresh order in accordance with law expeditiously.

(Prakash Padia,J.)

February 12, 2026
saqlain

Digitally signed by :-
SYED MOHAMMAD SAQLAIN HAIDER
High Court of Judicature at Allahabad