



2026:AHC-LKO:1834

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 130 of 2026

Shivdhari

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Hari Shanker Tewari, Ajay Tiwari
Counsel for Respondent(s)	:	C.S.C., Mohan Singh

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri H. S. Tiwari, learned counsel for the petitioner, learned Standing counsel on behalf of respondent No.s 1, 2 and 3 and Sri Govind Kumar Chaurasiya holding brief of Sri Mohan Singh on behalf of for opposite party No.4.
2. In light of the proposed order notice to private respondent No.5 is dispensed with.
3. It has been submitted that a housing lease was granted in favour of predecessor-in-interest of private respondent No.5 which was duly approved on 4.12.1991. The petitioner moved a complaint under Section 66 of U.P. Revenue Code Rules, 2016 (hereinafter referred to as the Rules of 2016) alleging that the private respondent has not constructed the house within three years of the grant of the said lease and, therefore, by operation of law as provided under Rule 64 of the Rules of 2016, the lease ought to be cancelled.
4. Notices were issued to the private respondents who participated in the said proceedings and also filed their objections. In the said objections the complaint was vehemently opposed. It was stated that the complainant is an extremely wealthy person who has 12 rooms'

house constructed on gata No.720 and has residential land near Nagar Panchayat Lambhuwa and even in New Delhi has three storyed house in Sangam Vihar. Apart from the above, he has a housing plot in Sonia Vihar and does not come into the category of eligible person to be granted a lease, who belongs to other backward class category. It was further stated that the housing leased was allotted in favour of Ram Harakh, the father of respondent No.5 and similar lease was also granted in favour of Ram Ajore, who is father of the complainant and after his death the petitioner is in occupation of the said land. It is further stated that even two brothers of the petitioner, namely Ramdhari and Tilakdhari had also been allotted the housing lease along with father of the petitioner and further submitted that entire proceedings were conducted in accordance with law after due publication and there is no infirmity in the same. It was further stated that the complaint was highly belated and barred by the provisions of Section 66 (2) of the Rules of 2016 and accordingly the same be rejected.

5. Collector, Sultanpur duly considered the rival contentions and after considering the entire factual aspects of the matter was of the view that that the complaint submitted by the petitioner was highly time barred and beyond the limitation prescribed for in Section 66 (2) of the Rules of 2016 in as much as the same was filed after 32 years of the date when the lease was executed and hence proceeded to reject the complaint only on the ground of expiry of the period of limitation prescribed therein.
6. Thereafter, against the order of Collector, Sultanpur dated 19.4.2024 the petitioner had preferred a revision before Additional Commissioner (Judicial), Ayodhya Division, Ayodhya. The revisional authority also after considering the objections of the petitioner found that there was no infirmity in the order of the Collector in rejecting the complaint on the ground of limitation and, therefore, also rejected the revision preferred by the petitioner.
7. Before this Court, it has been contended by the petitioner that

undoubtedly three years' period is prescribed for filing a complaint against a lease from the date of its allotment but submits that as per rule 64 of the Rules of 2016 an allottee has to complete the house within three years from the date of delivery of possession and consequences of the same are provided in sub clause (b) of Rule 64 (2) which provides that in case the allottee fails to comply the terms and conditions of the rules then the Collector may cancel the allotment under Section 66 of the said Rules. Accordingly, it was stated that the period of limitation as prescribed under Section 66 (2) will not apply to the complaint pertaining to non construction of a house within the period prescribed and accordingly submits that both the authorities below have not considered the case of the petitioner in this regard and, therefore, prayed for allowing the writ petition and setting aside both the impugned orders.

8. Learned counsel for the respondents, on the other hand, have opposed the writ petition. It is submitted on their behalf that period of limitation for challenging the validity of any allotment is prescribed under Sub clause 2 of Section 66 which is three years from the date of its allotment. He further submits that the conditions for allotment are provided for under Section 64 of sub section 2 which provides that an allottee shall complete the house and shall begin to reside in it within a period of three years from the date of delivery of possession and if the allottee fails to comply with the said terms and conditions the Collector may cancel the allotment in accordance with Section 66. It is further submitted that sub clause (b) of Rule 64 (2) specifically provides that in case a person belongs to scheduled caste/scheduled tribe category then the time limit for completing the house shall not apply.
9. It is on a conjoint reading of aforesaid Sections that it was submitted that firstly in clause (b) it has been specifically stated that in case a person fails to comply the conditions of constructions of a house, the Collector may cancel the allotment and, therefore, submits that the condition is directory and not mandatory. He further submits that even in the same provision time limitation has not been prescribed in

case a persons belonging to scheduled caste / scheduled tribe category and, therefore, it was not the intention of the legislature to make the time period a mandatory condition subsequent to which the allotment could have been cancelled. It is further submitted that allotment is made for house construction to such persons who are landless agricultural laborers belonging to very poor classes of rural citizenry and the condition for construction within the time limit may prove to be fatal which may defeat the very purpose for which the provision has been made. Such a beneficial piece of legislation may not be read in isolation which may prove to be contrary to the interests of such persons for the benefit of whom the same has been framed. Accordingly, in the aforesaid circumstances prayed for dismissal of the writ petition.

10. This Court has considered the rival contentions of the parties and perused the record.
11. The order of Collector, Sultanpur dated 19.4.2024 as well as order dated 6.12.2025 passed by Additional Commissioner (Judicial) Ayodhya Division, Ayodhya falls for consideration in the present petition. Both the authorities have rejected the complaint preferred at the behest of the petitioner on the ground that the same was filed after thirty two years of the grant of the lease and according to Section 66 (2) of U.P. Revenue Code, no such application can be entertained after expiry of the period of three years from the date of allotment and consequently has rejected the application of the petitioner on the ground of delay.
12. We have considered the argument of the petitioner that under Rule 64 of U.P. Revenue Code, a person has to construct house within a period of three years and consequence of the aforesaid time limit is also prescribed under Section 64 (2) where in case house is not constructed within such time limit the lease may be canceled. It was vehemently submitted on behalf of the petitioner that the word 'may' used in clause 2 of Rule 64 is mandatory and not directory and accordingly wherever house is not constructed within three years

such a lease is liable to be cancelled.

13. We have given our anxious consideration to the submissions made on behalf of the petitioner but are unable to accept the same. Section 64 of U.P. Revenue Code provides for allotment of patta sites and we find that the persons who are working as agricultural labourers or village artisans and belong to scheduled castes and scheduled tribes or other backward class category or general category persons living below poverty line are granted preference for allotment of such site. A detailed procedure has also been prescribed with regard to identification of such persons and subsequently allotment of land belonging to gaon sabha. To prevent any misuse of aforesaid powers of allotment, Section 66 provides for inquiry into the irregular allotment of patta sites which may be conducted by Collector on his own motion or on an application of any person aggrieved by the allotment of land made under Section 64 and if the Collector is satisfied that the allotment is irregular he may cancel the allotment. In sub clause 2 of Section 66 it is provided that no application shall be entertained which have been made after expiry of three years from the date of allotment.
14. Considering the aforesaid provisions, this Court is of the considered view that two contingencies for invoking the provisions of Section 66 (1) for cancellation of allotment have been provided. The first being that the Collector may take cognizance on his own motion and secondly he can initiate proceedings on an application by a person who is aggrieved by the allotment. Sub clause 2 of Section 66 provides that "No application under sub-section (1) shall be entertained," meaning thereby that the Collector on his own motion can, at any time, initiate proceedings for cancellation of the allotment within a reasonable time but any person, who is aggrieved by the allotment, is bound to move such an application within three years of the date of allotment. In the present case, the petitioner has gone at length to indicate that he is an aggrieved person in as much as the private respondents started construction on the portion of the allotted land on which the petitioner also claims his rights and,

therefore, he claims himself to be an aggrieved person. Accordingly, in such a situation the three years limitation prescribed under Section 66 (2) would come into operation and such application by an aggrieved person can be moved only within three years from the date of allotment.

15. It is in aforesaid circumstances that we find that under Rule 64 (2) (b) it has been provided that in case an allottee fails to comply with the terms and conditions with regard to construction of house within the time prescribed, the Collector may cancel the allotment in accordance with Section 66.
16. We are also in agreement with the arguments raised by learned Standing counsel that the issue pertaining to allotment of patta sites is a beneficial piece of legislation and should be interpreted in a liberal manner so as to fulfill the objects sought to be achieved rather than to curtail rights of the person for whom the allotment has been made.
17. With regard to the persons belonging to scheduled castes and scheduled tribes the period of limitation has been done away with which fact also goes to show that the time period for constructing a house on patta sites is not mandatory condition. This Court is also of the considered view that merely because a person has not raised construction within three years can automatically lead to cancellation of his allotment.
18. To ensure effectiveness of the provision for allotment of residential sites and to ensure its compliance it is undoubtedly necessary that the land should be used for the purpose of construction of a house within a reasonable time. In case, for any reason, the allottee has not been able to construct house, notice should certainly be given to him requiring him to construct his house within the time prescribed and even if within the time prescribed he or she does not construct house it would certainly be open for the Collector to invoke the powers under Sub clause 2 (b) of Rule 64 and cancel the allotment.

19. Accordingly, for the aforesaid reasons we do not find any merit in the challenge made to the impugned orders rejecting his claim for cancellation for allotment after a period of three years which was highly belated and the application was rightly rejected by both the authorities below. In view of the above, no infirmity in the impugned orders can be found to interfere in the said matter. The petition being devoid of merits is accordingly **dismissed**.

(Alok Mathur,J.)

January 9, 2026

RKM.