



2026:AHC:41253

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 7465 of 2026

Sri Thakur Ji, Baldau Ji And Shree Krishna Ji

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Sri Anand Tiwari, learned counsel for the petitioner, learned Standing counsel for the respondent-State and perused the records.

2. The present writ petition has been filed inter-alia with the following prayers :-

"i) Issue a writ, order o direction in the nature of certiorari quashing the judgment and order dated 21.01.2026 (Annexure No. 1 to this writ petition) passed by the Sub-Divisional Magistrate, Tehsil-Sadar, District-Varanasi (Respondent No. 2) in Case No. 49003 of 2025 (State Vs. Allauddin & Others) U/S 33/39 of U.P. L.R. Act, 1901.

ii) Issue a writ, order or direction in the nature of mandamus restraining the respondents not to take over the possession of the plots of the petitioner"

3. The order which is under challenge in the present writ petition has already been challenged before this Court in Writ C No.6885 of 2026 (Sri Sadguru Krishnanand Ji Maharaj Sadguru Dham Vs. State of U.P. and 3 others). The writ petition was disposed of vide judgement and order dated 20.02.2026 which reads as follows :-

"1. The order dated 21.01.2026 passed by the respondent No.3/Sub Divisional Magistrate, Tehsil Sadar, District Varanasi in the proceedings initiated by the petitioner under Section 33/39 of U.P.Land Revenue Act, 1901 being Case No.49003 of 2025 (Computerized Case No.T202514700149003) is under challenge.

2. Pursuant to the order passed by this Court, Instructions dated 18.02.2026 received

under the signatures of respondent No.3 placed before the Court, the same is taken on record.

3. It is very fairly argued by learned counsel for the petitioner that though against the order impugned, statutory alternative remedy is available to the petitioner to file revision before the revisional authority as provided under Section 219 of U.P. Land Revenue Act, 1901, since the order impugned has been passed in complete violation of principles of natural justice and without application of mind, the petitioner has approached this Court directed.

4. On the other hand, learned Standing Counsel placed reliance upon paragraph 8 of the Instructions which reads as follows:-

8 यह कि याचीगण का यह कथन है कि मा० उच्च न्यायालय इलाहाबाद के रिट याचिका संख्या 68230 सन् 2011 ता०फै० 29-11-2011 जिसके माध्यम से उनको बेदखल न किये जाने का आदेश पारित किया गया था, इस आदेश का उल्लंघन वर्तमान आदेश द्वारा किया गया है। धारा 33/39 के अन्तर्गत मात्र पुराने अभिलेखों में अंकित प्रविष्टि को ही बहाल किया गया है। आक्षेपित आदेश से किसी भी व्यक्ति को बेदखल किये जाने का आदेश पारित नहीं किया गया है।

5. On the basis of the aforesaid, it is argued by learned Standing Counsel for the State that no steps were taken by the opposite parties/revenue authorities/District Authorities to evict the petitioner from the land in dispute.

6. Heard learned counsel for the parties and perused the record.

7. From perusal of the record, it is clear that against the order impugned, statutory alternative remedy is available to the petitioner to file revision before the revisional authority as provided under Section 219 of U.P. Land Revenue Act, 1901.

8. In this view of the matter and without interfering with the order dated 21.01.2026 passed by the respondent No.3/Sub Divisional Magistrate, Tehsil Sadar, District Varanasi which is under challenge, the petitioner is permitted to file a revision along with stay application before the revisional authority as provided under Section 219 of U.P. Land Revenue Act, 1901 within a period of three weeks from today. In case, the petitioner does so, the Revisional Authority will decide the Stay Application within a period of next three weeks thereafter.

9. For a period of eight weeks or till the decision taken on the stay application, no

coercive action be taken against the petitioner.

10. It is made clear that this Court has not adjudicated the matter on merits.

11. With the aforesaid observations, the writ petition is disposed of. "

4. In this view of the matter and also in the interest of justice, with the consent of learned counsel for the parties, present writ petition is also disposed of in terms of the judgement and order passed in Writ C No.6885 of 2026.

(Prakash Padia,J.)

February 24, 2026

Pramod Tripathi