



2026:AHC:49915

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 819 of 2026

Shahid

.....Petitioner(s)

Versus

Board Of Revenue U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Kamla Prasad Tiwari, Saurabh Kumar Tiwari
Counsel for Respondent(s) : Arvind Singh, Arun Kumar Pandey, C.S.C., Shubham Dwivedi

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Vakalatnama filed on behalf of respondent No.3 is taken on record.

2. Heard Mr. K.P. Tiwari as well as Mr. Saurabh Kumar Tiwari, learned counsel for the petitioner, Mr. Arvind Singh, learned counsel for respondent no.4, Mr. Maneesh Kumar, learned counsel for respondent no.3, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Arun Kumar Pandey, learned counsel for gram panchayat.

3. The instant writ petition has been filed for the following relief:

"i. a writ, order or direction in the nature of certiorari to quash the order dated 04-12-2025 passed by the Respondent no. 1 and order 26-08-2025 passed by the Respondent no. 2 and order dated 30-08-2022 passed by the Up Zila Adhikari, Tehsil Swar, District-Rampur.

ii. a writ order or direction in the nature of mandamus directing the respondents not to interfere in peaceful possession of the petitioner over the Gata no. 551/0.4200 hectare situated in village Dundawala Mustakam, Tehsil Swar, District- Rampur."

4. Learned counsel for the petitioner submitted that preliminary decree was rightly passed by the trial court in the partition suit but kurra was not prepared in proper manner, accordingly, petitioner has filed objection against the kurra prepared by the lekhpal. He submitted that objection filed by petitioner has been rejected and final decree has been passed. He submitted that first appeal was filed by the petitioner before Commissioner, which was dismissed. He further submitted that second appeal along with stay application filed by the petitioner is pending and court is not available, as such instant petition has been filed for granting interim protection during pendency of second appeal before board of revenue as private respondents are intending to raise construction over the plot in question.

5. On the other hand, respondent nos.3 and 4 submitted that writ petition filed during pendency of the second appeal before board of revenue, is not maintainable. They further submitted that kurra was properly prepared, as such no interference is required against the final decree passed in the partition suit.

6. I have considered the arguments advanced by the learned counsel for the parties and perused the record.

7. There is no dispute about the fact that second appeal filed by the petitioner arising out of partition suit has not been admitted before board of revenue.

8. Since second appeal filed by petitioner has not been admitted, as such prayer for interim protection cannot be entertained.

9. Interest of justice requires that second appeal should be heard for admission expeditiously.

10. Considering the facts and circumstances of the case, **the instant writ petition is finally disposed of** directing the respondent No.1-Board of Revenue to pass the order for the admission of second appeal within a period of three weeks from the date of production of certified copy of this order. It is further

directed that application for interim relief shall be considered subject to the order passed on the admission of second appeal accordingly.

March 11, 2026

PS*

(Chandra Kumar Rai,J.)