



2026:AHC:44672

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 856 of 2026

Smt. Bina And 29 Others

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s) : Dharm Vir Jaiswal, Harsh Vikram
Counsel for Respondent(s) : Arun Kumar Pandey, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri S.C. Verma and Sri Harsh Vikram, learned counsel for the petitioners, Sri Om Anand, learned standing counsel for the state-respondents and Sri Arun Kumar Pandey, learned counsel for the Land Management Committee.

2. The instant writ petition has been filed for the following reliefs:-

"I. issue writ order or direction in the nature of mandamus commanding the respondents revenue authorities to allow the petitioners to cultivate and harvest/cut the standing crops of sugarcane entries over the allotted the land during the pendency of the revision number 4631/2025 Smt Bina and others versus Mukim and others before the respondent number 2, board of revenue U.P.at Allahabad.

II. issue writ order or direction in the nature of mandamus, stay the effect and operation of the order dated 11th/9/2025 passed by the additional Commissioner 1st Moradabad division Moradabad during the pendency of the revision number revision number 4631/2025 Smt Bina and others versus Mukim and others before the respondent number 2, board of revenue U.P. at Allahabad."

3. The matter was taken up yesterday and the same was adjourned for today to enable learned standing counsel to obtain

instruction regarding possession as well as status of standing crops over the plot in question.

4. In compliance of the order of this court, instruction sent by the Sub Divisional Officer, Tanda, Rampur is taken on record.

5. Learned counsel for the petitioners submitted that resolution was passed on 30.11.2016 for allotment of plot in question in favour of the petitioners. He further submitted that resolution of gaon sabha was approved by the Sub Divisional Officer on 15.5.2017. He submitted that in pursuance of the approval of the Sub Divisional Officer dated 15.5.2017, possession was delivered to petitioners accordingly. He submitted that petitioners/allottees started cultivation over the allotted plot. He submitted that proceeding under Section 128 of the U.P. Revenue Code, 2006 was initiated on the basis of complaint of certain persons and the Additional Collector vide order dated 3.10.2023 rejected the complaint/cancellation application and affirmed the lease dated 30.11.2016/15.5.2017. He submitted that revision under Section 210 of the U.P. Revenue Code, 2006 was filed by the private respondents and the Commissioner, Moradabad Division, Moradabad on 11.9.2025 allowed the revision and cancelled the lease executed in favour of the petitioners. He also submitted that against the order of the Commissioner dated 11.9.2025, revision has been filed on behalf of the petitioners before the Board of Revenue which has been entertained and interim protection for maintaining status quo, has been granted. He submitted that the authorities are not permitting the petitioners to cultivate the plot in question on the ground that the Board of Revenue has granted order of status quo, as such, petitioners cannot be allowed to cultivate the plot in question as the allotment has been cancelled by the Commissioner. He submitted that sugarcane crops are still standing over the plot in question, as such, the authorities cannot prevent the petitioners to cultivate the plot in question. He submitted that appropriate direction be issued to the Board of Revenue to decide the pending revision in accordance with law

and the authorities be restrained from interfering with the possession of the petitioners to cultivate the plot in question.

6. On the other hand, learned standing counsel submitted that out of 15 plots, sugarcane crops are standing over two plots, i.e., plot nos. 93 and 800 but other plots are vacant on spot. He submitted that gaon sabha is in possession over the plot in question and the authorities are maintaining status quo as directed by the Board of Revenue in respect to plot in question. He submitted that no interference is required and the writ petition should be dismissed.

7. I have considered the arguments advanced by learned counsel for the parties and perused the records.

8. There is no dispute about the fact that petitioners were granted lease on 30.11.2016 which was approved on 15.5.2017. There is also no dispute about the fact that the S.D.O. has rejected the cancellation proceeding initiated by private respondents but in revision, allotment of the petitioners has been cancelled vide order dated 11.9.2025. There is also no dispute about the fact that revision filed by the petitioners has been entertained and the order for maintaining status quo has been granted by the Board of Revenue.

9. It is material to mention that lease was executed in favour of the petitioners on 30.11.2016/15.5.2017 and possession was delivered to the petitioners accordingly. It is also material to mention that lease has been cancelled for the first time in revision by the Commissioner on 11.9.2025 against which within time revision was filed before the Board of Revenue in which interim order has been granted, as such, it cannot be presumed that proper possession has been taken by the authorities from the petitioners in respect to the plot in question.

10. The instruction sent by the Sub Divisional Officer also demonstrate that over some plot, sugarcane crop belonging to the petitioners are standing, as such, the State authorities cannot

restrain the petitioners to cultivate the plot in question, which was allotted in their favour on 30.11.2016/15.5.2017 and the same is subject matter of dispute in revision pending before Board of Revenue.

11. Considering the entire facts and circumstances of the case, the instant writ petition is disposed of directing the respondent no.2/Board of Revenue, U.P. at Prayagraj to decide the Revision No. 4631/2025, expeditiously, preferably within a period of 4 months from the date of production of the certified copy of the order, after affording opportunity of hearing to the parties concerned, in accordance with law. It is further directed that the authorities shall not interfere with the possession of the petitioners in respect to plot in question which was allotted to them on 30.11.2016/15.5.2017. It is also directed that petitioners shall cultivate the plot in question till the pendency of revision before the Board of Revenue.

February 26, 2026

C.Prakash

(Chandra Kumar Rai,J.)