



2026:AHC:46131

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 8995 of 2026

Committee Of Management Shitladeen
Intermediate College And Another

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Kumar Gupta
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Sri Rakesh Kumar, learned counsel for the petitioners and learned Standing Counsel for the respondent Nos.1 to 5 and Sri Azad Rai, learned counsel for respondent Nos.6 & 7.

2. The petitioners has preferred the present petition with the prayer to direct the respondent No.6 Land Management Committee, Village Bagbana Tehsil Karchana, Prayagraj & respondent No.7/Pradhan of Village Bagbana Tehsil Karchana, Prayagraj for constructing Aganbari/Water Tank on Arazi No.232, 234 & 231 situated in Village Bagbana Tehsil Karchana, Prayagraj till the disposal of the appeal No.335 of 2026 (Computer Case No.C202602000000335).

3. Facts in brief as contained in the writ petition are that earlier the proceedings under Section 38(1) of U.P. Revenue Code, 2006 was initiated by the petitioner which was numbered as Cae No.12571 of 2025 (Computerized Case No.T202502030512571). The same was rejected by the respondent No.5/Sub Divisional Magistrate, Tehsil Karchana, Prayagraj vide order dated 31.01.2026. Aggrieved with the aforesaid order, statutory appeal as provided under Sub Section (4) of Section 34 of U.P. Revenue Code, 2006 was filed by the petitioner before the Commissioner Prayagraj Division Prayagraj which was numbered as Appeal No.C20260000000335. Along with the said appeal, stay application has also been filed but till date no orders has been passed on the stay application and the next date fixed in the matter is 11.03.2026.

Hence a prayer has been made to restrain the respondent Nos.6 & 7 for making any further constructions over the plot in dispute till the disposal of the interim relief application. It is further argued that during the pendency of the application under Section 38(1) of U.P. Revenue Code, 2006 before the respondent No.5, Writ C No.16517 of 2025 was filed by the petitioners in which direction was given to the aforesaid respondent to decide the matter expeditiously and preferably within a period of six weeks. Further direction was also given to the parties to maintain status quo till the disposal of the application. It is argued that on the one hand, statutory appeal along with stay application is pending before the respondent No.3 on the other hand, the respondent Nos.6 & 7 taking advantage of the order passed against the petitioners, started constructions over the land in dispute.

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

5. In the facts and circumstances of the case and without entering into merits of the case, the present petition is disposed of directing the respondent No.3/Additional Commissioner Prayagraj Division Prayagraj to decide the stay application filed in the aforesaid appeal most expeditiously and preferably on the next date fixed in the matter, i.e., on 11.03.2026. In case, on account of any reason, the same cannot be decided, the aforesaid application be decided within three weeks thereafter.

6. Till 30.04.2026 or till the disposal of the interim relief application whichever is earlier, parties are directed to maintain status quo as on today.

(Prakash Padia,J.)

February 27, 2026

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