



2026:AHC:31708

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 616 of 2026

Shiv Yadav And 2 Others

.....Petitioner(s)

Versus

Ramji And 19 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajit Kumar Singh
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Ajit Kumar Singh, learned counsel for the petitioners, Mr. Lekh Raj Singh, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gaon Sabha.

2. Brief facts of the case are that the suit under Section 229-B of U.P. Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as "U.P.Z.A. & L.R. Act") was filed by father of respondent nos.5, 6 & 7 which was decreed vide judgement and decree dated 5.5.2025. Against the judgement and decree of trial Court dated 5.5.2025 appeal was filed on behalf of the petitioners before the Commissioner. Appeal filed by the petitioners was heard by the Additional Commissioner who vide judgement dated 23.8.2025 set aside the judgement and decree of trial Court dated 5.5.2025 and remitted the matter back before the trial Court to decide the suit after framing issues and giving opportunity to the parties to lead evidence in accordance with law. Against the judgement of Additional Commissioner dated 23.8.2025 second appeal has been filed on behalf of the private respondent, which has been admitted after framing the substantial questions of law. The Board of Revenue has granted interim order staying the operation of the judgement passed by the Additional Commissioner dated 23.8.2025. Hence, this writ petition for the following reliefs:

"I. Issue an order or a direction or a Writ in the nature of Certiorari, calling for the record and quashing the impugned order dated 21.01.2026,

passed by Learned Court of Board of Revenue, U.P., Prayagraj, in the Second Appeal No. SA/4426/2025, Computerized Case no. AL20251470004426 (Ramji & Others Vs Shiv Yadav & Others), Annexed as Annexure No. 02 to the Writ Petition.

II. Issue an order or a direction or a Writ in the nature of Certiorari, calling for the record and quashing the impugned order dated 05.05.2025, passed by Learned Court of Board of Revenue, U.P., Prayagraj, in the Suit No. 4596/2021, Computerized Case no. D202114700004596 (Sriram & Others Vs Shiv Yadav & Others), Annexed as Annexure No. 01 to the Writ Petition."

3. Learned counsel for the petitioners submitted that the jurisdiction was rightly exercised by the Additional Commissioner in setting aside the judgement and decree of trial Court and remitting the matter before the trial Court to decide the suit under Section 229-B of U.P.Z.A. & L.R. Act after framing issues and giving opportunity to parties to lead evidence in accordance with law. He further submitted that against the remand order passed by the Additional Commissioner in appeal the second appeal is not maintainable, as such, Board of Revenue has committed illegality in admitting the second appeal. He further submitted that the second appeal filed by private respondent should be dismissed as not maintainable.

4. On the other hand, learned Standing Counsel for the State-respondents and learned counsel for the gaon sabha submitted that no interference is required against the order passed by the Board of Revenue admitting the second appeal and granting interim protection. They further submitted that the petitioners should contest the proceeding before the Board of Revenue and can raise whatever objection about maintainability before the Board of Revenue.

5. I have considered the argument advanced by learned counsel for the petitioner, learned Additional Chief Standing Counsel for the State, learned counsel for the gaon sabha and perused the records.

6. There is no dispute about the fact that the suit under Section 229-B of U.P.Z.A. & L.R. Act filed by father of respondent nos.5, 6 & 7 was decreed by the trial Court but in appeal judgement and decree of the trial

Court has been set aside and matter was remitted back before the trial Court to decide the suit proceeding afresh. There is also no dispute about the fact that the Board of Revenue has admitted the second appeal and stayed the operation of the order passed by the Additional Commissioner dated 23.8.2025.

7. Since the second appeal has been admitted before the Board of Revenue after framing substantial questions of law, as such, it will be proper for Board of Revenue to decide the matter considering the objection of the petitioners regarding maintainability of second appeal against the remand order passed in appeal in respect to the suit proceeding under Section 229-B of U.P.Z.A. & L.R. Act.

8. Considering the facts and circumstances of the case, the instant writ petition is finally disposed of directing the petitioners to file appropriate application regarding maintainability of second appeal before the Board of Revenue within period of three weeks from today along with certified copy of this order and the Board of Revenue shall consider the petitioners' application and pass appropriate orders in accordance with law within period of six weeks from the date of production of certified copy of this order. It is further directed that if Board of Revenue is of the view that second appeal is not maintainable then he can pass appropriate order for converting the proceeding. The Board of Revenue is further directed to decide the proceeding of the case finally after affording proper opportunity of hearing to the parties expeditiously preferably within a period of three months from the date of production of certified copy of this order.

(Chandra Kumar Rai,J.)

February 12, 2026

Rameez