



2026:AHC:32503

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 642 of 2026

Hanuman Prasad And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manoj Kumar Tewari
Counsel for Respondent(s)	:	C.S.C., Hari Narayan Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Manoj Kumar Tewari and Sri Vaibhav Tripathi, learned counsel for the petitioners, Sri Babban Singh, learned standing counsel for the state-respondents and Sri Hari Narayan Singh, learned counsel for the respondent-gaon sabha.

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

"Issue an appropriate writ, order or direction in the nature of certiorari to quash the order dated 26.5.2025 passed by respondent no.2 in Second Appeal No.323 of 2025 (Computerized Case No.AL2025034000323) (Amar Singh vs. Mahesh Kumar and Others)."

3. Counsel for the petitioners states that the second appeal filed by respondent no.4 has been admitted and interim order has been granted in arbitrary manner. He submitted that in a suit for partition filed in the year 2010, final decree was passed on 28.11.2011 in proper manner. He submitted that in order to linger on the proceeding, restoration proceeding has been initiated by the private respondent which was rejected by the trial court vide order dated 28.7.2015. He submitted that appeal filed before the Commissioner was also dismissed on 07.11.2024. He also submitted that second appeal filed by respondent no.4, has been admitted on the substantial questions of law, which are not involved in the in the second appeal. He also submitted that the impugned order, granting interim

protection in the second appeal should be set aside.

4. Since second appeal filed by respondent no.4 has been admitted and the parties have been directed to maintain status quo, as such, it will be proper to direct the Board of Revenue to decide the second appeal, after summoning the records of the trial court and 1st appellate court. Petitioners are the opposite parties in the second appeal and they have already put in appearance in the second appeal.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2/Board of Revenue, Prayagraj to decide the pending second appeal, as expeditiously as possible, preferably within a period of 4 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

(Chandra Kumar Rai,J.)

February 13, 2026

C.Prakash