



2026:AHC:34018

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 650 of 2026

Maa Bhawani Mahavidhyalay Sogai And
Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Abhishek Kumar Yadav, Bhola Nath
Yadav
Counsel for Respondent(s) : C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Bhola Nath Yadav, learned counsel for the petitioners and Mr. Munishwar Singh, learned Standing Counsel for the State-respondents.

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

"(I). Issue writ order or direction in the nature of mandamus commanding the respondent no. 2 Board of Revenue U.P. at Prayagraj Uttar Pradesh to decide the Stay Application dated 03.11.2025 Computerized Case No.AL20251418005284 (Maa Bhawani Mahavidyalay and Ajay Kumar Yadav State of U.P. and others) under Section 210 of U.P. Revenue Code, 2006 within the period stipulated by this Hon'ble Court.

II. Issue writ or direction in the nature of mandamus staying the effect and operation of the impugned order dated 27.09.2025 passed by Up-ziladhikari, Chandauli in the Case No. 5605 of 2024 Computerized Case No. T202414180105605 (Raghvendra Tiwari v/s State of U.P. and others) and direct the Respondents not to implement the impugned order aforesaid during the pendency of the Revision before the Board of Revenue.

.Issue writ order or direction in the nature of mandamus commanding the respondents not to interfere into the peaceful possession of the petitioner over the land in dispute and not to demolish the

construction/school building and not to change the nature of the land in pursuance of the impugned order during the pendency of the Revision before the Board of Revenue any other writ or direction."

3. Learned counsel for petitioner submitted that petitioner No.1 is Educational Institution, who is imparting education to the students up to degree college. He submitted that sale deed was executed in favour of petitioner's institution in 2002 accordingly, name of the petitioner's institution was recorded over the plot in question. He submitted that proceeding under Section 104/105 of U.P. Revenue Code, 2006 has been initiated and plot in question has been ordered to be vested in State in illegal and arbitrary manner. He further submitted that transferor as well as transferees are not members of scheduled caste, as such the proceeding under Section 104/105 of U.P. Revenue Code, 2006 in respect to the plot in question cannot be initiated. He further submitted that transfer has been made in favour of institution as such provision of Section 157-A of U.P.Z.A.& L.R.Act will not be applicable in view of the interim order passed by **this Court in the case reported in 2011 (114) RD 760 Committee of Management vs. State of U .P. and others**. He submitted that revision filed before the Board of Revenue was entertained but no interim order has been granted as such Board of Revenue should decide the revision considering all aspects of the matter and till the pendency of revision, interim protection be granted in favour of the petitioner, who is educational institution. He further placed reliance upon the judgment of this Court reported in **2007 (102) RD 498 Ali Sher Vs. State of U.P. through Collector, Bijnor and others**, in order to demonstrate that interim protection should be granted during pendency of appeal / revision if the order under appeal/ revision has serious consequences.

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

5. There is no dispute about the fact that Board of Revenue has issued notice to the opposite parties, but no interim protection has been granted.

6. This Court in case of **Ali Sher(Supra)** has held that if order under appeal or revision has serious consequence then operation of the order must be suspended till pendency of the appeal/ revision. Paragraph Nos.4 & 5 of the judgment rendered in **Ali Sher (Supra)**

will be relevant which are as under:

"4. It is well settled that once an appeal or revision is entertained by a higher Court against an order having civil consequences stay normally should be granted to avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries.

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

7. It is material to mention that petitioner is educational institution and is imparting education to the students as such interim order should be granted during pendency of revision.

8. Considering the entire facts and circumstances of the case, as well as ratio of law laid down in **Ali Sher (Supra)**, the instant petition is **finally disposed of** directing the respondent No.2-Board of Revenue to decide the aforementioned revision being ***Revision No.5284 of 2025 Computerized Case No.AL20251418005284*** expeditiously preferably within a period of three months from the date of production of certified copy of this Court after affording proper opportunity of hearing to the parties. It is further directed that till the pendency of the aforementioned revision, effect and operation of the order dated 27.09.2025 passed by Sub Divisional Officer under Section 104/105 of U.P. Revenue Code, 2006 shall remain in abeyance,

February 16, 2026
PS*

(Chandra Kumar Rai,J.)