



2026:AHC:42861

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 688 of 2026

Shri Parashu Ram

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rituvendra Singh Nagvanshi, Sanjay Kumar Pandey
Counsel for Respondent(s)	: Harish Chandra Singh, Santosh Kumar Tiwari, C.S.C., Sudhanshu Pandey

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Affidavit dated 22.2.2026 filed on behalf of private respondent nos.4 to 7 is taken on record.
2. Heard Mr. R.C. Singh, learned Senior Counsel assisted by Mr. N.D. Shukla, learned counsel for the petitioner, Mr. Dharm Pal Singh, learned Senior Counsel assisted by Mr. Harish Chandra Singh, learned counsel for the private respondent nos.4 to 7 and Mr. Tarun Gaur, learned Standing Counsel for the State-respondents.
3. Brief facts of the case are that petitioner's father namely, Jay Prakash was recorded over the plot in question. One Arvind Kumar had executed a sale-deed dated 29.10.1998 in favour of respondent no.8/ Mahavir Singh Rana. Respondent no.8 filed a mutation Case No.68 of 1999, which was rejected vide order dated 22.12.1999. Respondent no.8 had executed a sale-deed in favour of respondent no.4/ Harsh Nagpal, accordingly, respondent no.4 filed a mutation Case No.272 of 2002 before Tahsildar. The aforementioned Case No.272 of 2002 was rejected vide order dated 3.12.2002. On the basis of sale-deed dated 9.5.2002 & 22.7.2004, two separate mutation cases were filed before Tahsildar and Tahsildar vide order dated 20.8.2022 allowed the aforementioned two mutation cases on the basis of sale-deed dated 9.5.2002/ 22.7.2004. Respondent no.4 filed a recall application dated 22.11.2023 to recall the order dated 20.8.2022. The aforementioned restoration application was rejected by Tahsildar vide order dated 27.2.2025. Against the order dated 27.2.2025 petitioner filed

appeal before Sub-Divisional Officer. The aforementioned appeal was entertained and interim order was granted on 24.3.2025 staying the operation of the order dated 27.2.2025. Respondent no.4 filed revision before Board of Revenue against the interim order granted in appeal. Board of Revenue vide order dated 30.10.2025 has admitted the revision and suspended the effect and operation of the order dated 24.3.2025. Hence this writ petition for the following reliefs:

"i. issue a writ, order or direction in the nature of certiorari call for record and quash the entire proceeding in Revision No.5092 of 2025, Computerized Case No.AL20250960005092 pending before the Board of Revenue, U.P. at Prayagraj including impugned order dated 30.10.2025 passed by Member, Board of Revenue, U.P. at Prayagraj (Annexure No.1 to this writ petition).

ii. issue a writ, order or direction in the nature of mandamus commanding the Sub-Divisional Officer, Saharanpur to decide the appeal no.4496 of 2025, Computerized Case No.T202509600104496."

4. Learned Senior Counsel for the petitioner submitted that the mutation appeal filed by petitioner is pending before Sub-Divisional Officer and interim order was granted, as such, revision against the grant of interim order in appeal was not maintainable but Board of Revenue has entertained the revision and granted another interim order in revision. He further submitted that the impugned order granted interim protection in revision should be set aside as well as entire proceeding of the revision pending before the Board of Revenue should be quashed and direction be issued to Sub-Divisional Officer to decide the Appeal No.4496 of 2025 in accordance with law.

5. On the other hand, learned Senior Counsel appearing for respondent nos.4 to 7 submitted that the suit under Section 144 of U.P. Revenue Code, 2006 was filed by petitioner which was decreed on 4.1.2019 & 17.6.2019. He further submitted that one suit under Section 229-B of U.P.Z.A. & L.R. Act filed by one Dhan Prakash in respect to the same plot in question was decreed on 30.12.1993. He further submitted that against the judgement and decree dated 30.12.1993 as well as order dated 4.1.2019/ 17.6.2019, revision nos.1351 of 2025 and revision no.1352 of

2025 was filed by respondent no.4. He further submitted that second appeal no.1983 of 2021 and second appeal no.1984 of 2021 were filed by Pashu Ram before Board of Revenue, U.P. at Lucknow. He further submitted that the Board of Revenue has allowed the revision vide order dated 28.1.2026 setting aside the judgement and decree of trial Court. He further submitted that without disclosing the aforementioned material fact, the instant writ petition has been filed by petitioner, as such, the instant writ petition should be dismissed. He further submitted that no interference is required in the matter and writ petition filed by petitioner should be dismissed.

6. I have considered the argument advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that revision filed by private respondent is pending before the Board of Revenue and interim order is operating.

8. It is material to mention that certain proceedings under Section 144 of U.P. Revenue Code, 2006/ 229-B of U.P.Z.A. & L.R. Act have been decided by the Court concerned, as such, there is no scope for interference at the instance of the petitioner against the interim order passed in the pending revision before Board of Revenue.

9. Both parties have full opportunity to contest the pending proceeding before the Board of Revenue and Board of Revenue shall decide the revision in accordance with law.

10. The writ petition is misconceived and ***dismissed accordingly.***

(Chandra Kumar Rai,J.)

February 25, 2026

Rameez