



2026:AHC:22948

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 877 of 2026

Markandey Yadav And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioners have preferred the present writ petition with the following prayers :-

(I). A writ, order or direction in the nature of certiorari of quashing the impugned order dated 01.09.2025 passed by Assistant Collector /Tehsildar, Amarpatti, Pargana- Katehar, Tehsil- Sadar, District-Varanasi in case no.41528 of 2024 bearing computer no.T202414700141528 (Report Lekhpal Vs Markandey and others) and its confirmation order dated 15-11-2025 passed by Chief Revenue Officer Varanasi Region Varanasi in Appeal No. 6620 of 2025 bearing computer no.D202514700006620 (Markandey and others Vs State and others) and impugned (Annexure no1 and 2 respectively to the writ petition)."

2. Facts in brief as contained in the writ petition are that the proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated against the petitioner on the basis of report submitted by the Lekhpal which was registered as Case No.41528 of 2024, Computerized Case No.T202414700141528. The same was allowed by the Respondent No.4/ Assistant Collector/ Tehsildar, Sadar, District- Varanasi vide order dated 01.09.2025. By the aforesaid order the petitioner was evicted.

3. Aggrieved against the aforesaid, statutory appeal under Section 67(5) was filed which was registered as Case No.6620 of 2025, Computerized Case No.D202514700006620. The said appeal was dismissed by the Chief Revenue Officer, Varanasi Region, Varanasi on 17.11.2025. Aggrieved against the aforesaid, the petitioner has preferred the present writ petition.

4. It is argued that order passed by the authorities are passed in a mechanical manner and land was never measured by the revenue authorities. It is further argued that without considering the same, orders passed against the petitioners which are perse illegal and liable to be set aside.

5. Apart from various other arguments, one of the arguments has been raised by counsel for the petitioners that aforesaid orders were passed in complete violation of the procedure prescribed in para-74 passed in the case of **Rishipal Singh and others Vs. State of U.P. and others reported in 2023 (1) ADJ 154** hence the same are liable to be set aside.

6. This fact is also admitted by counsel for the respondents.

7. In view of the same, since the order dated 01.09.2025 passed by Assistant Collector /Tehsildar, Amarpatti, Pargana- Katehar, Tehsil- Sadar, District-Varanasi in case no.41528 of 2024 bearing computer no.T202414700141528 (Report Lekhpal Vs Markandey and others) under Section 67 of Uttar Pradesh Revenue Code, 2006 and order dated 15-11-2025 passed by Chief Revenue Officer Varanasi Region Varanasi in Appeal No. 6620 of 2025 bearing computer no.D202514700006620 (Markandey and others Vs State and others) under Section 67(5) of Uttar Pradesh Revenue Code, 2006 were passed in complete violation of procedure prescribed in the case of **Rishipal Singh (supra)**, the same are liable to be set aside and hereby quashed.

8. The writ petition is **allowed**. No order as to costs.

9. The Respondent No.4/ Assistant Collector/ Tehsildar, Sadar, District- Varanasi is directed to pass a fresh order in view of observations made by this Court in paragraph-74 of the judgment and order dated 02.12.2022 in the case of **Rishipal Singh (Supra)**, expeditiously and preferably within a period of four months from the date of presentation of certified copy of this order, without granting unnecessary adjournment, unless there is no legal impediment.

(Prakash Padia,J.)

February 3, 2026

Swati