



2026:AHC:53059

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - C No. - 8613 of 2026

Babita Sharma

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Deepak Kumar Jaiswal
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The proceedings initiated by the petitioner under Section 34 of U.P. Revenue Code, 2006 was dismissed for want of prosecution vide order dated 15.03.2024. Aggrieved with the aforesaid, the petitioner filed restoration application on 21.05.2025 which was allowed vide order dated 29.10.2025. Thereafter again a restoration application was filed by the petitioner on 21.05.2025 which was rejected by the respondent no.3/Tehsildar, Tehsil Sadar, District Agra vide order dated 05.02.2026. Hence the present petition.
2. It is argued by learned counsel for the petitioner that once the restoration application filed by the petitioner was allowed, there was no reason to the same authority to recall its order dated 21.05.2025 by a fresh order dated 05.02.2026, copy of which is appended as Annexure No.12 to the writ petition.
3. Heard learned counsel for the parties and perused the record.
4. In view of the matter, the Court is of the opinion that the order dated 05.02.2026 passed by the respondent No.3 /Tehsildar, Tehsil Sadar, District Agra recalling its order dated 21.05.2025 by which restoration application is allowed, is liable to be set aside and the same is hereby set aside.
5. The respondent No.3/Tehsildar, Tehsil Sadar, District Agra is directed to decide the matter on merits strictly in accordance with law but after providing the opportunity of hearing to all the parties concerned unless there is no legal impediment.

(Prakash Padia,J.)

March 16, 2026/saqlain