



2026:AHC:48128

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 6366 of 2026

Jai Shankar Prajapati

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Archana, Mani Kant Dwivedi
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Ms. Archana, learned counsel for the petitioner, learned Standing Counsel for the respondent-State, Sri B. K. Tripathi, learned counsel for the respondent-Gram Sabha and perused the records.

2. The proceedings under Section 67 of the U.P. Revenue Code, 2006 was initiated in which an order for eviction and damages was passed by the respondent no.3 on 21.03.2018. Against the aforesaid order an appeal was filed, which was also rejected by the respondent no.2-Collector, Varanasi on 10.12.2025 hence present writ petition.

3. It is argued by counsel for the petitioner that the order passed by the respondent no.3 dated 21.05.2018 is absolutely bad in the eyes of law. Since aforesaid order is non speaking order hence an appeal was filed, which was also rejected without assigning any cogent reasons though a complete procedure has been prescribed under Section 67 of the U.P. Revenue Code Rules, 2016 to decide the application under Section 67 of the U.P. Revenue Code, 2006. The aforesaid rules were interpreted by this Court in the case of ***Rishipal Singh and others Vs. State of U.P. and others*** reported in **2023 (1) ADJ 154**.

4. From perusal of the order passed by respondent no.3 it is clear that no procedure whatsoever has been followed by him while passing the aforesaid order.

5. In this view of the matter, the Court is of the prima facie opinion that the order passed by the respondent no.3 dated 21.05.2018 is bad in the

eyes of law and liable to be set aside hence same is hereby set aside. The consequential order passed by respondent no.2 dated 10.12.2025 is also set aside.

6. The writ petition is allowed. Respondent no.3-Tehsildar, Tehsil-Sadar, District Varanasi is directed to pass fresh order strictly in accordance with law within a period of four months.

7. Registrar (Compliance) is directed to communicate copy of this order to respondent no.3-Tehsildar, Tehsil-Sadar, District Varanasi through respondent no.2-Collector, Varanasi within a week.

(Prakash Padia,J.)

March 10, 2026

Pramod Tripathi