



2026:AHC:31072

A.F.R.

Judgment Reserved on 03.02.2026

Judgment Delivered on 12.02.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44707 of 2025

Sughar Singh

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Girish Chandra Maurya, Omraj Singh
Counsel for Respondent(s)	: C.S.C., Hari Narayan Singh, Vimal Kumar

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard counsel for the petitioner, learned Standing Counsel appearing on behalf of Respondent Nos.1, 2 & 3, Shri Hari Narayan Singh, learned Counsel appearing on behalf of Respondent No.4 and Shri Vimal Kumar, learned counsel appearing on behalf of Respondent Nos.5 & 6 and perused the record.

2. The present writ petition has been filed inter-alia with the following prayers:-

"a) issue a writ, order or direction in the nature of writ of Certiorari quashing the judgment and order dated 06.10.2025 passed by the respondent no.2/Additional Commissioner Judicial 1st Kanpur, Division Kanpur in Revision No.3421 of 2024 (Computerized Case No.C20240300003421) (Sughar Singh Vs. Indrapal and others) under Section 333 of U.P. Zamindari Abolition and Land Reforms Act 1950 as well as judgment and order dated 8.10.2024 passed by the respondent no.3/Additional District Magistrate Finance and Revenue/Additional Collector Kannauj in case no.1176 of 2018 (Computerized Case No.D201803390001176 (Sughar Singh Vs. Land Management Committee and others) under section 198(4) U.P. Zamindari Abolition and Land

Reforms Act, 1950."

3. Facts in brief as contained in the writ petition are that the plot no.1560M area 0.121 hectare situated in village Ummedpurwa Mauza Anaugi, Pargana & Tehsil & District Kannauj recorded in revenue record as Bazar land. It is stated in paragraph-7 of the writ petition that Respondent Nos.5 & 6 are not eligible to be allotted agricultural lease over the said plot having sufficient agricultural land. Petitioner is still in possession over the plot in question from his ancestral period and during the course of the allotment of agricultural lease in favour of the Respondent Nos. 5 & 6 dated 04.01.2014, such land was not vacant because the land of the petitioner i.e., plot no.1562 and 1563 is situated adjacent to the plot no.1560 and the petitioner has constructed house over the plot no.1560 and installed tube-well over it for irrigation of his agricultural land and some trees are also grown over it.

4. It is argued that since at the time of allotment the plot in question was not vacant, the same should not be allotted in favour of the private-respondents.

5. In this view of the matter, after the allotment was made in favour of the private-respondents on 04.01.2014, suit for cancellation of lease under Section 198(4) of the U.P.Z.A. & L.R. Act was filed by the petitioner in the court of District Magistrate (Finance and Revenue), District Kannauj. The said suit was dismissed by the Respondent No.3 namely Additional District Magistrate Finance and Revenue/Additional Collector Kannauj vide order dated 08.10.2024.

6. Aggrieved against the aforesaid, statutory revision as provided under Section 333 of the U.P.Z.A. & L.R. Act, 1950 was filed by the petitioner before the Respondent No.2 namely Additional Commissioner Judicial Ist Kanpur Division Kanpur which was numbered as Case No.3421 of 2024. The aforesaid revision was also dismissed by the Respondent No.2 vide order dated 16.10.2024. Aggrieved against the aforesaid, the petitioner has preferred the present writ petition.

7. It is argued that the petitioner is in possession over the land in question which was allotted in favour of the private-respondents in the year 2014.

When a query was raised by the Court that whether any legal allotment by any competent authority was ever made in favour of the petitioner or at any point of time by the revenue authorities, it is very fairly argued that at no point of time the land in question was allotted in favour of the petitioner.

8. Heard counsel for the parties and perused the record.

9. A complete procedure for cancellation of lease has been provided under Section 198 of the U.P.Z.A. & L.R. Act, 1950. Sub-section (4) of Section 198 of the Act, 1950 reads as follows:-

"(4) The [Collector] [Substituted by U.P. Act No. 20 of 1982 (w.e.f. 18.08.1980).] may of his own motion and shall on the application of any person aggrieved by an allotment of land inquire in the manner prescribed into such allotment and if he is satisfied that the allotment is irregular, he may cancel the allotment and the lease, if any."

10. From perusal of the averments made in the writ petition as well as order passed which are under challenge in the present writ petition, it is clear that proceedings under sub-section (4) of Section 198 of the Act, 1950 was initiated by the petitioner. **The proceedings under Section 198(4) should be initiated under suo motu or by a person aggrieved.**

11. From perusal of the record it is clear that the petitioner does not fall within the definition of person aggrieved.

12. **In Munshi vs. State of U.P. and others reported in R.D. (117) page 615**, it was held by this Court that a person aggrieved must be a man who had suffered a legal grievance. Paragraph-16 of the judgment of this Court in the case of Munshi (Supra) is relevant for the purpose and is reproduced below:

"Point No. 2:- Though I have already held that the order passed by the learned Member of Board of Revenue is without jurisdiction but assuming for a moment that it was within his competence to maintain the revision and decide the same, even then learned Member has erred in cancelling the lease without

assigning any reason. So far as the view taken by the learned Member of Board of Revenue that the respondent no. 6 is an aggrieved person is concerned, controversy in this regard is no more res integra as the Apex Court as well as this Court in a catena of decisions, while considering as to who could be said to be the "person aggrieved", held that although the meaning of expression "person aggrieved" may vary according to the context of the Statute and facts of the case nevertheless normally, a person aggrieved must be a man who has suffered a legal grievance; a man against whom a decision has been pronounced which has wrongly deprived him of something or wrongfully refused something, or wrongfully affected his title to someone.

In M.S. Jayaraj Vs. Commissioner of Excise, Kerala & Ors., (2000) 7 SCC 552, the Supreme Court considered the matter at length and placing reliance upon a large number of its earlier judgments including the *Chairman, Railway Board & Ors., Vs. Chandrima Das (Mrs.) & Ors., AIR 2000 SC 988*; held that the Court must examine the issue of locus standi from all angles and the petitioner should be asked to disclose as what is the legal injury suffered by him.

The term "person aggrieved" was also considered and defined in *Re: Sidebotham, (1880) 14 Ch. D. 458*, wherein it has been observed as under :-

"The words 'person aggrieved' do not really mean a man who is disappointed of a benefit which he might have received if some other order had been made. A 'person aggrieved' must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something."

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The "person aggrieved" means a person who is wrongfully deprived of his entitlement which he is legally entitled to receive and it does not include any kind of disappointment or personal inconvenience. "Person aggrieved" means a person who is injured or he is adversely affected in a legal sense. (Vide K.N. Lakshminarasimaiah Vs. Secretary, Mysore S.T.A.T., (1966) 2 Mys. L.J. 199).

Whether a person is injured in strict legal sense, must be determined by the nature of the injury considering the facts and circumstances involving in each case. A fanciful or sentimental grievance may not be sufficient to confer a standi to sue upon the individual. There must be injuria or a legal grievance, as the law can appreciate and not a stat pro ratione valuntas reasons.

13. The existence of a right in favour of an aggrieved party furnishes the locus standi to maintain a writ petition as held in **Vinoy Kumar Vs. State of U.P. and others** reported in **(2001) 4 SCC 734** thus:

"2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas -corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or

determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantages position, unable to approach the court for relief."

14. Similarly in **Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others** reported in (2013) 4 SCC 465, the Supreme Court emphasized that existence of enforceable rights of aggrieved parties form the pre-condition to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India vested in this Court:

"9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [Vide State of Orissa v. Madan Gopal Rungta [AIR 1952 SC 12] , Saghir Ahmad v. State of U.P. [AIR 1954 SC 728] , Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. [AIR 1962 SC 1044] , Rajendra Singh v. State of M.P. [(1996) 5 SCC 460 : AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [(2009) 2 SCC 784].]

10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised. (Vide *Shanti Kumar R. Canji v. Home Insurance Co. of New York* [(1974) 2 SCC 387 : AIR 1974 SC 1719] and *State of Rajasthan v. Union of India* [(1977) 3 SCC 592 : AIR 1977 SC 1361] .)

11. In *Anand Sharadchandra Oka v. University of Mumbai* [(2008) 5 SCC 217 : AIR 2008 SC 1289] , a similar view was taken by this Court, observing that, if a person claiming relief is not eligible as per requirement, then he cannot be said to be a person aggrieved regarding the election or the selection of other persons."

15. The Hon'ble Supreme Court in case of **Jasbhai Motibhai Desai Vs. Roshan Kumar, Haji Bashir Ahmed** reported in **1976 (1) SCC 671** held that a stranger who is not an aggrieved person cannot maintain a Writ for either Certiorari or Mandamus. The relevant paragraph of the aforesaid judgment is reproduced hereunder:-

"50. While a Procrustean approach should be avoided, as a rule, the Court should not interfere at the instance of a "stranger" unless there are exceptional circumstances involving a grave miscarriage of justice having an adverse impact on public interests. Assuming that the appellant is a "stranger", and not a busybody, then also there are no exceptional circumstances in the present case which would justify the issue of a writ of certiorari at his instance. On the contrary, the result of the exercise of these discretionary powers, in his favour, will, on balance, be against public policy. It will eliminate healthy competition in this business which is so essential to raise commercial morality; it will tend to perpetuate the appellant's monopoly of cinema business in the town; and above all, it will in effect, seriously injure the fundamental rights of Respondents Nos. 1 and 2, which they have under Article 19(1)(g) of the Constitution, to carry on trade or business subject "reasonable restrictions imposed by law".

16. In the case of **Pyare Lal and others Vs. The Deputy Director of Consolidation Mainpuri and others** reported in **2005 ALL L. J. 1966** it has been held in paragraph-7 that :-

"Dictionary meaning of word aggrieved is "having suffered loss or injury. According to the Black's Law Dictionary aggrieved party/person is "one whose legal right is invaded by an act complained of, or whose pecuniary interest is directly affected by a decree or judgment. The word aggrieved refers to a substantial grievance, a denial of some personal or property right, or the imposition upon a party of a burden or obligation". According to Corpus Juris Secundum volume IV 356 (1st edition) a party or a person can be said to be aggrieved by a decision only when it operates directly and injuriously upon his personal, pecuniary or proprietary rights."

17. In this view of the matter, since petitioner does not fall within the definition "aggrieved person" present writ petition filed on his behalf is not maintainable and liable to be dismissed.

18. Accordingly, the present writ petition is **dismissed**. No order as to costs.

(Prakash Padia,J.)

February 12, 2026

Swati