



2025:JHC-1 K0:79846

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 6887 of 2025

Vimla And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt.
And Others

.....Respondent(s)

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

Court No. - 22

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Anuj Kumar, learned counsel for the petitioners and Sri Yogesh Kr. Awasthi, learned Standing Counsel for the State.
2. The instant petition has been filed to set aside the impugned order dated 11.11.2025 passed in Computerized Case No. T202510640101058 (Sanjay Singh vs. Beche Lal) and also the proceedings of Case Nos. T202510640101058 and T202510640101087, pending before Tehsildar, Tehsil Mishrikh, Sitapur.
3. Contention of learned counsel for the petitioners is that mutation proceeding regarding Gata Nos. 447 and 1043 was culminated into the order dated 11.2.2025 wherein the petitioners as well as respondent No.4 were heard. Thereafter that order was also executed in *khatauni* on 8.10.2025. It is further submitted that despite the order dated 11.2.2025, respondent No.4 again initiated the mutation proceeding afresh by moving an application in RC Form 9 to reopen the controversy that was already decided by order dated 11.2.2025 whereupon the petitioners filed objections on 30.7.2025 and 10.11.2025, mentioning therein that the proceeding between the petitioners and respondent No. 4 had already been decided on 11.2.2025, therefore, the same could not be initiated afresh and respondent No.4 had remedy to either file a recall application or challenge the same before the revisional court. However, the Tehsildar by order dated 11.11.2025, stayed the execution of the order dated 8.10.2025. Therefore, the order of the Tehsildar is without jurisdiction.

4. Learned Standing Counsel has vehemently opposed the prayer and submitted that against the impugned order dated 11.11.2025, the petitioners have remedy to file revision before the S.D.M. concerned. Therefore, the present petition is not maintainable as the petitioners have a statutory remedy of revision against the impugned order.

5. Considering the aforesaid submissions and on perusal of the record, it is not in dispute that the mutation proceeding was concluded between the petitioners and respondent No.4 regarding Gata No. 447 and 1043 by order dated 11.2.2025. However, the objection was raised by respondent No.4 on the ground that the validity of the will was already subjudice before the appropriate court, therefore, on the basis of succession, the order cannot be passed.

6. However, this Court is of the view that even if the order dated 11.2.2025 was passed, by ignoring any proceeding, then respondent No.4 may have challenged the same before revisional authority. *Prima facie* by passing the order on the basis of initiation of fresh proceeding, the Tehsildar went beyond jurisdiction and the revisional court has authority to correct such error if the authorities act beyond jurisdiction. Therefore, the impugned order can be challenged before the revisional court on this ground.

7. However, considering the fact that *prima facie* order dated 11.11.2025 appears to be passed beyond jurisdiction, the effect and operation of the order dated 11.11.2025 shall remain stayed for a period of one month to enable the petitioners to file revision against the order dated 11.11.2025.

8. In case such a revision is filed by the petitioners within the aforesaid period, the same shall be decided expeditiously.

9. With the aforesaid direction, the petition is **disposed of**.

(Arun Kumar Singh Deshwal,J.)

December 3, 2025

Vandana