



2026:AHC:191530-DB

Reserved on 20.08.2026

Delivered on 14.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2664 of 2020

Pyare Lal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Kamlesh Kumar, Rajesh Nath Tripathi, Sanjay Pandey
Counsel for Respondent(s)	: Abhinava Krishna Srivastava, C.S.C., Ram Raj Singh

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE SUDHANSHU CHAUHAN, J.**

(Delivered by Hon'ble Sudhanshu Chauhan J.)

1. Heard Sri Sudeep Dwivedi, Advocate holding brief of Sri Sanjay Pandey, learned counsel for the petitioner and Sri Abhinava Krishna Srivastava, learned counsel for the respondents.

2. The present writ petition has been filed for setting aside the order dated 13.03.2018 passed by District Magistrate-respondent no. 2, by means of which the representation of the petitioner for restoration of the name of the petitioner in the revenue records pursuant to, the Urban Land (Ceiling and Regulation) Repeal Act, 1999, has been rejected. Further, a direction has been sought to the respondents to exempt the land in dispute from urban ceiling and to restore the revenue entries in the name of petitioner.

3. The present controversy arises out of proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as, "the Act 1976"). The land in dispute measuring about 12901.65 sq m comprised in arazi no. 195(part) and arazi no. 559 situated in village Mad auka, Tehsil Karchhana, District Allahabad, now Prayagraj.

4. The contention of the petitioner is that notice under Section 8(3) in

respect of the land in dispute was never served upon the petitioner. Subsequently, the order under Section 8(4) dated 05.10.1982 was passed ex-parte. The notification under Section 10(3) of the Act, 1976 was issued on 24.05.1996. Thereafter, notice under Section 10(5) was issued on 25.5.1996 but was never served on the petitioner. No proceedings under Section 10(6) of the Act, 1976 had ever taken place and under the circumstances, the petitioner continued to remain in possession of the land in dispute. Besides, the petitioner claims parity with other similarly situated tenure holders, where the notice under Section 10(5) was issued but was never served upon them and consequently, the Competent Authority had released their land from ceiling proceedings in view of the provisions of the Repeal Act, 1999. The petitioner, though, does not dispute the fact that the entries in the revenue records in respect of the land in dispute are in the name of the State, having been recorded, on 10.07.1997, however, it is stated that the petitioner was not aware of the same, and on coming to know about the same in the year 2017, the petitioner had filed a representation for correction of revenue entries.

5. Further, the petitioner had filed Writ C No. 49414 of 2017 which was disposed of vide judgment and order dated 30.10.2017 directing respondent No. 2 to decide the representation of the petitioner for restoration of the name of the petitioner in the revenue records. In pursuance thereto the respondent No. 2 by impugned order dated 13.03.2018 had rejected the representation of the petitioner, which is under challenge in the present writ petition. Further, the perusal of the impugned order reveals that it is non-speaking and only provides that notice under Section 10(3) was published on 23.3.1996, and the notice under Section 10(5) was issued on 25.5.1996. However, the impugned order does not speak anything about the service of notice under Section 10(5) on the petitioner and the date on which the possession of the land in dispute was transferred to the State. Moreover, there is no mention of any proceedings under Section 10(6) in the impugned order, thereby demonstrating that no such exercise was undertaken. Hence, it is amply clear from the perusal of the order that the possession of the land in dispute was never transferred to the respondent.

6. On the contrary, it is contended on behalf of the respondents-State that

the petitioner had filed a ceiling return under Section 6(1) registered as Ceiling Case No. K-3522/1976. Subsequently, notice under Section 8(3) was issued on 21.11.1981. However, as no objections were filed by the petitioner, order under Section 8(4) was passed on 05.10.1982, which was followed by notice dated 07.07.1984 containing final statement under Section 9. Notification under Section 10(1) and Section 10(3) of the Act, 1976 were published in the State Gazette on 06.03.1986 and 23.03.1996, respectively. Thereafter notice under Section 10(5) for handing over the possession of the land in dispute was issued on 25.05.1996. Pursuant thereto, the land in dispute was recorded in the name of the State in the revenue records. Further, in terms of the government order dated 11.12.1996, the land in dispute was transferred to Prayagrai Development Authority. Thus, the proceedings under the Act, 1976 stood concluded much prior to enforcement of the Repeal Act, 1999. It is also contended, the petitioner had due knowledge about the proceedings under the Act 1976 but had never objected to the same. The respondent no. 4-authority has supported the stand so taken by the State.

7. We have perused the records of the case as well as the original records summoned from the office of the Competent Authority, respondent No. 3. The perusal of the original records reveals that although the proceedings under the Act, 1976, had duly taken place. However, as far as the notice under Section 10(5) is concerned, the same has only been signed by the Competent Authority-respondent No. 3, on 24.5.1996, however, it does not bear the signature of any other officer or the date on which the notice was issued and was served upon the petitioner. Apparently, the perusal of the notice under Section 10(5) reveals that, although the same was prepared but was never issued for the purpose of serving the same upon the petitioner. Further, no proceedings under Section 10(6) of the Act, 1976 have taken place. Thus, there is nothing on record to show as to when the notice under Section 10(5) was issued and served upon the petitioner.

8. Further, this Court had directed the learned counsel for respondent No. 4-authority to bring on record the factual report in respect of the present status of the land in dispute. In pursuance thereto, a report dated 19.08.2026 has been placed before this Court and the same is taken on

record, wherein it is stated as under :-

"तत्सम्बन्ध में स्वकीय निर्देश के अनुपालन में क्षेत्रीय लेखपाल के साथ संयुक्त निरीक्षण/जाँच की गयी लोचोपरान्त अवगत कराना है कि संदर्भित आराजियों की क्षेत्रीय लेखपाल एवं प्राधिकरण लेखपाल से संयुक्त स्थलीय जाँच करायी गयी। जिससे स्पष्ट होता है कि :-

1. संदर्भित भूमि सीलिंग के अन्तर्गत है।
2. उक्त भूमि प्राधिकरण की योजना के निकट एवं प्राधिकरण के कब्जे में है।
3. स्थलीय जाँच के अनुसार संदर्भित स्थल / भूमि रिक्त है।

आख्या अग्रिम आदेशार्थ प्रस्तुत।"

9. Thus, from the report, it is evident that the land in dispute does not lie under any scheme of the respondent No. 4-authority and is presently lying vacant. The fact that the land in dispute does not come under any scheme of the respondent no.4-authority, despite it's possession having been allegedly handed over more than 30 years ago and continues to remain vacant, creates serious doubts about the respondents being in possession of the land in dispute and fortifies the contention of the petitioner that the possession of the land was never handed over to the respondents.

10. The petitioner in support of his claim has further relied upon the orders passed by the Competent Authority-respondent No. 3, wherein the land of tenure holders situated in Tehsil Karchhana, District Allahabad was released on the ground that, although proceedings up to the stage of Section 10(5) under the Act, 1976 had taken place but there was no evidence on record to demonstrate that the possession of the land in dispute in the said cases, had been handed over by the tenure holders to the State. In one of the cases, the Competent Authority had further relied upon the law laid down by Apex Court in the case of ***State of U.P. v. Hariram, 2013 (4) SCC 280*** and had went on to hold that the facts of the case were duly covered under the law so laid down. We are of the view

that the facts of the case of the petitioner whereto no notice under Section 10(5) and Section 10(6) has been issued are similar to those relied upon by the petitioner.

11. We have also perused the impugned order dated 13.03.2018, which only states that notification under Section 10(3) was published in the State Gazette on 23.03.1996 and a notice under Section 10(5) was issued on 25.05.1996 and subsequently, the possession of land in dispute was transferred to the Allahabad Development Authority, as such the proceedings under the Act, 1976, stood concluded much prior to the enforcement of the Repealing Act, 1999. However, the notice fails to spell out as to when the notice under Section 10(5) was served upon the petitioner.

12. In view of such facts as detailed above, it can very well be concluded that the possession of the land in dispute was never transferred to the State and the same remained with the petitioner. Under these circumstances, the petitioner is entitled to remain in possession of the land in dispute by virtue of the provisions of the Repeal Act, 1999. Moreover, the case of the petitioner is duly covered under the law laid down by the Apex Court in the case of *State of U.P. v. Hariram*, 2013 (4) SCC 280, *A.P. Electrical Equipment Corporation v. Tehsildar and others*, 2025 SCC OnLine SC 447, and *Dalsukhbhai Bachubhai Satasia and others v. State of Gujarat and others*, AIR 2026 SC 475 , wherein amongst others the service of notice under Section 10(5) and Section 10(6), as the case may be has been held to be mandatory.

13. Further, we are also of the view that there is no delay on the part of the petitioner in approaching this court in view of the fact that the present petition has been filed shortly after the representation of the petitioner for recording his in the revenue records in respect of the land in dispute has been rejected by the District Magistrate-respondent no. 2 by means of the impugned order dated 13.03.2018. Moreover, no material has been placed on record to demonstrate that the petitioner had due knowledge of the proceedings under Act, 1976 but had intentionally avoided contesting the same. Hence, the petitioner being in possession of the land in dispute had approached this Court after coming to know of mutation in the revenue records, and consequently the present writ petition cannot be dismissed on

the ground of delay.

14. Thus, in view of the above, the present writ petition is **allowed** and a direction is issued to the District Magistrate, Prayagraj - respondent no. 2 to expunge the entries in the name of the Competent Authority in the revenue records and further to record the same in the name of the petitioner within a period of three months from production of certified copy of this order.

15. The office is directed to return original records of Ceiling Case No. 3522/76, received from the office of the Competent Authority, Urban Land Ceiling, Prayagraj to the office of learned Chief Standing Counsel forthwith.

(Sudhanshu Chauhan,J.) (Saral Srivastava,J.)

September 14, 2026

Gaurav