



2026:AHC:191471-DB

Reserved On: 19.08.2026

Delivered On: 14.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34624 of 2008

Gyan Prakash Maurya And Others

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh, Praveen Kumar Srivastava, Rama Shanker Mishra, Sushil Kumar Srivastava, Vishwa Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE SUDHANSHU CHAUHAN, J.
(Delivered by Hon'ble Sudhanshu Chauhan,J.)**

1. Heard learned counsel for the petitioner and learned Standing Counsel.
2. The present writ petition has been filed being aggrieved by the order dated 25.02.2008 passed by Competent Authority, Bareilly -respondent no. 2, by means of which the representation of the petitioner for recording the land in dispute in the name of petitioners in the revenue records has been rejected. Besides, a direction has also been sought to record the name of the petitioners in the revenue record in respect of the land in dispute in place of State, and also to restrain the respondents from dispossessing the petitioners from the land in dispute.
3. The present proceedings arise under the Urban Land (Ceiling and Regulation) Act, 1976,(hereinafter referred to as," the Act of 1976"). The land in dispute measuring 2815.56 sq m of which an area of 2,782.12 sq m is comprised in Gata No. 171 in village Jasoli and 33.44 sq m is comprised in Gata No. 260 in village Benipur Chaudhry both situated in District Bareilly. The original landholder of the land in dispute was Bhagwan Das, the father of the petitioners. Bhagwan Das, in his lifetime, had filed a ceiling return under Section 6(1), Bhagwan Das passed away on 19.02.1978.
4. It is contended on behalf of the petitioners that the notice under Section 8(3)was never served upon the petitioners. Further, the order under

Section 8(4) is an ex parte order passed against a dead person. No notice under Section 9, Section 10(1), Section 10(3) and Section 10(5) was ever served upon the petitioners, and as such, the entire proceedings under the Act, 1976 were vitiated being against a dead person and are a nullity in the eyes of law. Subsequently, on the basis of the ex-parte proceedings, the land in dispute was recorded in the name of the State in the year 1989.

5. As such the petitioners continued to remain in possession of the land in dispute and were entitled to remain so, by virtue of the provisions of the Urban Land Ceiling and Regulation Repeal Act, 1999 . However, the petitioners, on coming to know about the mutation in the revenue entries in the name of the State, had filed a representation dated 20.12.2004 before the Competent Authority-respondent no. 2 for expunging the revenue entries in the name of State and recording the land in dispute in the name of the petitioners, however, the respondent No. 2 vide the impugned order dated 25.02.2008 had rejected the representation of the petitioner on the ground that proceedings for taking possession of land in dispute had already taken place on 22.09.1987.

5. Per contra, it has been contended on behalf of the respondents that the entire proceedings had been conducted in due accordance with the provisions of the Act, 1976, and as such there was no infirmity in the same. The petitioners would not be entitled to any benefit of the demise of the original landholder, Bhagwan Das, in view of the provisions of Section 15 of the Act, 1976. Further, possession of land in dispute has already been taken on 22.09.1987 by means of a dakhnama /possession memo. The petitioners themselves admit that land in dispute was recorded in the name of State in 1989 in the revenue records. Hence, even otherwise, the petitioner admittedly having approached Competent Authority for the first time in 2004, after a lapse of seventeen years from the date of taking over the possession of the land in dispute, hence the present petition is liable to be dismissed on the ground of delay.

6. We have perused the records of the case as well as the original records summoned from the office of the Competent Authority, Bareilly. The perusal of the records reveals that that after passing of the order under Section 8(4), notice under Section 9 was issued on 9.1.1981 . Subsequently, notification under Section 10(1) and Section 10(3) were issued on 24.06.83 and 20.03.1986 respectively. Thereafter notice under

Section 10(5) was issued on 25.2.1987, and the possession of the land in dispute was taken by means of a dakhnama on 22.09.1987 in the presence of two witnesses. Besides, the land in dispute was also recorded in the revenue records in the name of the State on 07.07.1989.

7. Subsequently, the petitioners, including petitioner no. 2, who himself is a practicing advocate, had filed an application dated 12.07.1989 for dropping of the proceedings under the Act, 1976 in respect of the land in dispute. Thereafter, the Competent Authority, on the basis of the objections, by means of an order dated 26.09.1989, had held 2,879.79 sq m of land as excess vacant . An application dated 19.10.1989 for recall of the order dated 26.09.1989 was subsequently filed by Khemanand Maurya, petitioner no. 2. However, the application for recall was also rejected by means of the order dated 04.11.1989. The petitioners had thereafter filed an appeal under Section 33 of the Act, 1976, before District Judge, Bareilly, registered as Urban Ceiling Appeal No. 3 of 1990. However, the aforesaid appeal was also dismissed in default on 11.02.1992.

8. Hence, the petitioners had due knowledge about the proceedings under the Act, 1976 as well as entries being made in the name of the State on 07.07.1989, but it is only after passage of twelve years from the dismissal of the appeal, that the petitioners had filed a representation dated 20.12.2004 before the Competent Authority-respondent No. 2, which has been rejected by means of the impugned order, dated 25.01.2008. The averments made in paragraph 17 of the writ petition are relevant in this regard, and the same read as under:-

"17. That respondents on the basis of ex-parte order dated 24.07.1981 against the dead person illegally expunged the name of petitioners father in revenue record and incorporated the name of state in revenue record in year 1989. The petitioners have no knowledge about the mutation proceeding of the said land. In year 2004 petitioner know that the name of the petitioners' father was expunged from the revenue record and incorporated in the name of State Government in place of petitioners father. Thereafter petitioners filed application dated 20.12.2004 to the Competent Authority, Urban Land Ceiling, Additional District Magistrate, Bareilly. True copy of application 20.12.2004 made by the petitioners is being filed herewith and marked as ANNEXURE NO.2 to this writ petitioner"

9. Thus, the petitioners very conveniently, in the entire writ petition, had concealed the very material facts of having filed objections before the Competent Authority and the same having been decided by means of the order dated 26.09.1989, thereafter the petitioners filed an application for recall, and the same was rejected on 04.11.1989. The petitioners subsequently filed an appeal before the District Judge, Bareilly that too was dismissed in the year 1992 . Thus, it is beyond doubt that the petitioners have not approached this court with clean hands and are not entitled to any relief under Article 226 of the Constitution.

10. Further, the records also reveal that the petitioners, after dismissal of the appeal by the District Judge, Bareilly on 11.02.1992, had very conveniently slept over the matter, and it is only on 20.12.2004, after a passage of more than twelve years thereafter, that the petitioners had filed a representation before the Competent Authority- respondent No. 2, which has been rejected by means of the impugned order dated 25.01.2008 and the petitioners have now approached this Court by means of the present petition. Hence, it is beyond doubt that the present petition is also liable to be dismissed on the ground of delay and laches having been filed after a lapse of nineteen years from the date of handing over the possession of the land in dispute.

11. Thus, the present writ petition is devoid of merits and is dismissed.

12. The office is directed to return the original records received from the office of Competent Authority, Urban Ceiling, Bareilly to the office of learned Chief Standing Counsel forthwith.

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

September 14, 2026

Nadeem