



2026:AHC:192439-DB

Reserved on 11.08.2026

Delivered on 15.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 321 of 2010

Ram Lakhan

.....Petitioner(s)

Versus

State of U.P. and Others

.....Respondent(s)

Counsel for Petitioner(s) : P.K. Singh, R.C. Maurya, Raj Karan
Yadav, Shamsheer Bahadur Maurya

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 Sri R.C. Maurya, learned Counsel for the petitioner and learned Standing Counsel for the State.

2. The present writ petition has been filed seeking a direction for the respondents to correct the revenue records in respect of the land in dispute and also to restrain the respondents from interfering in possession of the petitioner over the land in dispute.

3. The present controversy arises out of proceedings under Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as 'The Act, 1976'). The land in dispute is 13427.58 sq.m. of land comprised in Arazi No. 423, 424, 429, 430, 491, 500, 734M, 759 and 760 situated in Mauza Akatha, Pargana Shivpur, District Varanasi.

4. The original land holder of the land in dispute was Jagannath son of Ram Swaroop, the father of the petitioner. Jagannath had filed a ceiling return under Section 6(1) of the Act, 1976. Subsequently, notice under Section 8(3) was issued on 27.05.1977 and 16.03.1978. As no objections were filed, the Competent Authority vide the order dated 29.03.1978 had

declared the land in dispute as excess vacant. Subsequently, notice under Section 9 was issued followed by notification under Sections 10(1) and 10(3), which were published in the State gazette on 26.12.1978 and 17.10.1981 respectively. Thereafter, notice under Section 10(5) of the Act, 1976 was issued on 30.11.1981. An appeal under Section 33 of the Act was filed registered as Appeal No. 68/2001 (Ram Lakhan Vs. State of U.P.) but the appeal was dismissed on 29.08.2001 on account of enforcement of Urban Land (Ceiling and Regulation) Repeal Act, 1999 (hereinafter referred to as the 'Repeal Act, 1999').

5. The contention of the petitioner is that the predecessor of the petitioner, Jagannath had never received the notice under Section 8(3) and the order dated 19.03.1978 passed under Section 8(4) is an ex-parte order. Further, the petitioner was never served with the notice under Section 10(5). The respondents at no point of time had taken the possession of the land in dispute as there is no dakhlanama/possession memo issued under Section 10(5) of the Act, 1976. Further, no proceedings under Section 10(6) of the Act, 1976 had ever been initiated, hence, the question of handing over or taking the possession of the land in dispute does not arise. It is further contended that the land in dispute continued to be recorded in the name of the petitioner in the revenue records much after the enforcement of the Repeal Act, 1999 in the revenue records. The petitioner in this regard has relied upon the revenue record for the Fasli year 1408-1413, where the land in dispute is recorded in the name of the petitioner. Further the petitioner has relied upon the Khasra for Fasli year 1416 where also the land in dispute is shown to be recorded in the name of the petitioner. Thus, it is contended on behalf of the petitioner that as the petitioner was in possession of the land in dispute at the time of the enforcement of the Repeal Act, 1999, hence, the petitioner is entitled to remain in possession thereof.

6. Per contra, it is contended on behalf of the respondents that the proceedings under the Act, 1976 stood concluded much prior to the enforcement of the Repeal Act, 1999. The predecessor of the petitioner, Jagannath had handed over the possession of the land in dispute to the respondents in pursuance to the notice under Section 10(5) issued on 30.11.1981. Further, it is alleged that the order for mutation of the

revenue entries was issued on 06.02.1993. Thus, even if there is some delay in the mutation of the revenue entries, the petitioner would not be entitled for any benefit of the same. Besides, it is the respondents who are in possession of the land in dispute and the present writ petition has been filed after a delay of about 29 years from handing over of possession of the land in dispute and as such is liable to be dismissed on the ground of delay.

7. This Court has perused the original records of the Ceiling Case No. 206/33/25/76-77 (State Vs. Jagannath) and the same reveals that no notice under Section 8(3) was issued to the original land holder Jagannath. Although the notice under Section 10(5) dated 30.11.1981 has been prepared after a publication of notification under Sections 10(1) and 10(3) of the Act, 1976, there is nothing on record to show that the notice under Section 10(5) had ever been served upon the petitioner or his predecessor. Although the possession memo had been prepared but it does not bear the signature of any officer from the office of District Magistrate. Thus, it is evident that the notice under Section 10(5) was not served on the petitioner or his predecessor and no dakhlanama/possession memo was issued pursuant thereto. Further, no proceedings have been initiated under Section 10(6) of the Act, 1976.

8. Although the determination regarding the amount payable towards sandeya dhanrashi/compensation has been made on 30.01.1981, there is nothing on record to demonstrate that any notice has been issued to the petitioner or his predecessor under Section 11(8), thereby providing an opportunity to object to the determination of the sandeya dhanrashi. Thus, from the perusal of the records, it is evident that there is nothing on record to demonstrate that the possession of the land in dispute has been taken by the respondents.

9. In this regard the claim of the petitioner is further fortified by the fact that in the Khasra upto Fasli year 1416 (corresponding year 2009 CE), the land in dispute continued to be recorded in the name of the petitioner. Although, the respondents claim that an order for mutating the revenue entries in the name of the State in respect of the land in dispute was issued on 06.02.1993, however, the same would be inconsequential in view of the fact that the petitioner would have come to know regarding the

mutation only after the land in dispute is recorded in the name of State in the revenue records. Even otherwise, if the contention of the respondents is taken to be correct, then the possession of the land was handed over to the respondents on 30.11.1981, hence, we fail to understand as to why the revenue entries were not mutated in the name of the State even after a passage of 28 years, till the time of filing of the present writ petition.

10. As far as the question of delay in filing the present writ petition, which has been raised by the respondents, this Court is of the view that the possession of the land in dispute was never handed over to the State in pursuance to the notice under Section 10(5), as would be evident from the records. The notice under Section 10(5) dated 30.11.1981 was also not served upon the petitioner or his predecessor. The record further reveals that the revenue entries continued in the name of the petitioner upto year 2009 CE, if not later. Thus, as the petitioner was in possession of the land in dispute and the revenue entries were also in the name of the petitioner in respect of the land in dispute, there was no occasion that the petitioner to have approached this Court. The records reveal that entries in the name of State were made some time in the year 2009 and the present writ petition was filed in the year, 2010. Thus, this Court is of the view that there is no delay in filing the present writ petition.

11. Thus, as the possession of the land in dispute was never handed over to the respondents, hence, the petitioner is entitled to remain in possession of the land in dispute by virtue of provisions of the Repeal Act, 1996. Moreso, in view of the law laid down by the Apex Court in the case of ***State of U.P. Vs. Hari Ram***, reported in **2013 (4) SCC 280, A.P. Electrical Equipment Corporation Vs. Tahsildar and others, 2025 SCC Online SC 447** and ***Dalsukhbhai Bachubhai Satasia & others Vs. State of Gujarat & others, 2026 SCC Online SC 25***.

12. Under the circumstances, the writ petition is allowed and a direction is issued to the District Magistrate, Varanasi-respondent no. 4 to expunge the name of State/Urban Ceiling in the revenue entries in respect of the land in dispute and get the same recorded in the name of petitioner and other land holders, if any, strictly in accordance with law in three months from the date of production of certified copy of this order.

13. The office is directed to hand over the original records received from the office of Competent Authority, Urban Ceiling, Varanasi to the office of learned Chief Standing Counsel forthwith.

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

September 15, 2026
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