



2026:AHC:195030-DB

Reserved On:20.08.2026

Delivered On:15.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 62508 of 2014

Ram Lakhan @ Lakhan Lal

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	: Poonam Yadav, Raj Karan Yadav, Yadvendra Kumar Yadav
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 Shri Raj Karan Yadav, learned counsel for the petitioner, Shri Abhinava Krishna Srivastava, learned counsel for respondent no.4 and learned Standing Counsel for State.

2. The present petition has been filed seeking a direction for the respondents to abate the proceedings of Case No. K-2612/1976 (State v. Moti Lal and Heera Lal), a direction is sought to record the entries in the revenue records in respect of the land in dispute in the name of the petitioner and also to direct the respondents not to interfere in the possession of the petitioner over the land in dispute.

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 is 7,636.21 sq m comprised of various plot numbers situated in Village Chaka, Tehsil Karchana, District Allahabad, now Prayagraj.

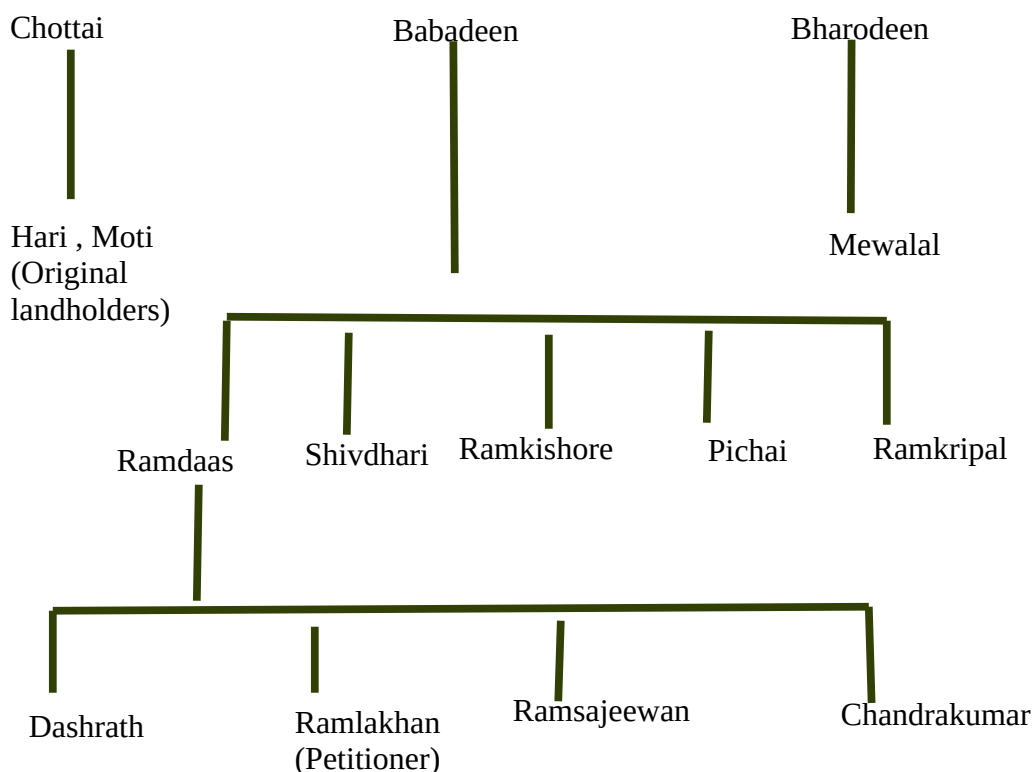
4. The facts of the case are that Moti Lal and Heera Lal were the original land holders of the land in dispute and filed a ceiling return, which was registered as case number K-2612/1976. Subsequently, notice under Section 8(3) was issued on 8.05.1979. However, as no objections were filed, order under Section 8(4) was passed on 31.03.1982. Notices under Section 9 were issued on 13.08.1982. Thereafter, notifications under Section 10(1) and under Section 10(3) were published in the State Gazette on 06.04.1985 and 20.05.1986 respectively. The notice under Section 10(5) was issued on 28.02.1994.

5. It is contended on behalf of the petitioner that no notice under Section 8(3) was ever served on the original landholders, and the order passed under Section 8(4) was an ex parte order. Further, notice under Section 10(5) was also not served upon the original landholders. Besides, no proceedings were initiated under Section 10(6) of the Act, 1976, and as such, the original landholders continued to remain in physical possession of the land in dispute. As possession was not taken under the provisions of Section 10(5) and Section 10(6) of the Act, 1976, the landholders are entitled to remain in possession of the land in dispute by virtue of the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (hereinafter referred to as, "the Repeal Act, 1999"). Further, the respondents are forcibly trying to take possession of the land in dispute from the petitioner in pursuance of the government order dated 08.05.2009. Hence, the petitioner was constrained to approach this Court.

6. Per contra, it is contended on behalf of the respondents that the proceedings under the Act, 1976 stood duly concluded much prior to the coming into force of the Repeal Act, 1999. Further, the possession of the

land in dispute was taken by issuing a notice under Section 10(5) of the Act 1976 on 28.02.1994. In pursuance thereto, the land in dispute was also recorded in the name of Urban Land Ceiling in the revenue records on 10.01.1996. Subsequently, the possession of the land in dispute was transferred to Prayagraj Development Authority in pursuance of government order dated 11.12.1996, and it is the respondent No. 4 -authority which is in possession of the land in dispute. It is further contended that the petitioner has no locus to file the present petition in respect of the land belonging to Moti Lal and Heera Lal, who were the original land holders. Lastly, the petitioner has filed the present petition after a lapse of about 22 years from the handing over of the physical possessions of the land in dispute to the respondent, as such, the present petition is liable to be dismissed on the ground of delay.

7. We have perused the records as well as the original records of the case summoned from the office of the Competent Authority-respondent No. 3. The perusal of the petition reveals that, admittedly, Heera Lal and Moti Lal were the original land holders of the land in dispute. Further, the genealogy of the family of the petitioner as contained in the writ petition is as below:-



8. Thus, admittedly, the petitioner is the grandson of Babadeen, the real brother of the father of the original landholders, Chotai. Besides, the proceedings under the Act, 1976 in the present case were in respect of one-third share of Chhotai in the plots involved i.e the land in dispute and not in respect of the share of Babadeen, the grandfather of the petitioner.

9. The petitioner has failed to disclose as to how the lands in dispute belonging to original landholders devolved upon the petitioner. Further, there is no averment in the petition as to when the original landholders passed away. It is also not stated as to who were the legal heirs of the original landholders, Heera Lal and Moti Lal. More so, when the perusal of the original records reveals that the service of notice under Section 9 was refused by the son of Moti Lal.

10. Further, the affidavit in support of the writ petition has been sworn by one , Abhishek Kumar Tiwari, son of Rajeshwar Prasad Tiwari, who apparently is not related to the petitioner in any manner nor any such averment is made in the writ petition/ affidavit and it is Abhishek Kumar Tiwari who has put his signatures on the writ petition. Thus, the contention raised by the respondents regarding the locus of the petitioner to challenge the proceedings initiated under Act, 1976 in respect of the land belonging to Heera Lal and Moti Lal has force.

11. Furthermore, the fact regarding the notice under Section 8(3) and the notice under Section 10 (5) not being served upon the original landholders, as well as the possession of the land in dispute not being handed over to the respondents, in pursuance of the notice under Section 10(5), has been sworn on the basis of personal knowledge of Abhishek Kumar Tiwari, who alleges himself to be 32 years old and, as per his own showing, would have been born in the year 1992. Under these circumstances, the allegations contained in the writ petition cannot be relied upon.

12. Further the original records reveal that the notice under Section 10(5) was issued on 28.02.1994 and the land in dispute was recorded in

the name of Urban Land Ceiling in the revenue records on 10.01.1996 and the present writ petition has been filed in the year, 2014 after a lapse of about twenty years from transfer of possession of the land in dispute. Thus, the present writ petition is also liable to be dismissed on the ground of delay in view of the law laid down by the Apex Court in the case of **State of Assam v. Bhaskar Jyoti Sarma 2015 (5) SCC 321**.

13. Thus, the present writ petition lacks merit and is dismissed.

14. Office is directed to return the original records received from the office of the Competent Authority, Urban Ceiling, Prayagraj to the office of learned Chief Standing Counsel forthwith.

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

September 15, 2026

Nadeem