2026:AHC:207418

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 28614 of 2026

Kuvar Pal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Kumar Srivastava
Counsel for Respondent(s)	:	Arun Kumar Pandey, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Alok Kumar Srivastava, learned counsel for the petitioner, Sri Shailesh Srivatava, learned standing counsel for the State and Sri Arun Kumar Pandey, learned counsel for the Gaon Sabha.

2. The instant writ petition has been filed for the following reliefs:-

> **"1. Issue a writ, order or direction in the nature of mandamus, directing the respondent no.2/Sub Divisional Officer, Tanda, Rampur to demarcate the boundaries of plot no.25, situated over the gata no.96-Ka, measuring an area about 63.19 sq. mtrs., at village Marghati Pargana and Tehsil Tanda, District Rampur in pursuance of the order dated 9.1.2026 passed by the respondent no.2.**
>
> **2. Issue a writ, order or direction in the nature of mandamus, directing the revenue officials to restore the possession of the petitioner over the land in question."**

3. Counsel for the petitioner submitted that plot nos. 96 and 139 are recorded as *abadi* in the revenue records. He submitted that petitioner along with Rajpal has filed Writ Petition No.4281 of 2024, which was decided vide order dated 3.5.2024 with the direction that representation of the petitioner shall be decided by the authorities within 8 weeks and till the disposal of the

representation, no coercive measures shall be taken against the petitioners. He further submitted that another Writ C No.15945 of 2025 was filed by the petitioner along with Rajpal which was disposed of on 19.5.2025 with the direction that the authority shall decide the matter within a period of 8 weeks from the date of production of the certified copy of the order. He submitted that in pursuance of the order of this Court, the Sub Divisional Officer has decided the matter vide order dated 9.1.2026, holding that petitioners are in possession of the area of pot which is recorded as *abadi* in the records, as such, the authorities be directed to restore back the possession of the petitioner in respect to an area of plot no.96Ka which is recorded as *abadi.*

4. On the other hand, learned standing counsel for the State and the learned counsel for the Gaon Sabha placed the finding recorded by the Sub Divisional Officer in order to demonstrate that the petitioner along with other are not entitled to any relief in the matter as they are trying to encroach the part of the area of plot no.96M which is recorded as *banjar* in the records. He submitted that no interference is required in the matter and the writ petition is liable to be dismissed.

5. I have considered the arguments advanced by learned counsel for the petitioner, learned standing counsel for the State, learned counsel for the Gaon Sabha and perused the records.

6. In order to appreciate the controversy involved in the matter, perusal of the relevant portion of the order dated 9.1.2026 passed by the Sub Divisional Officer will be necessary which is as under:-

> **"प्रश्नगत घरौनी वर्तमान खतौनी के अनुसार आबादी की गाटा सं0 96क रकबा 0.0250हे0 में निर्गत की गयी है। गाटा सं0 96क में ही भूखण्ड 24, रकवा 101.33 वर्गमी0 की घरौनी श्री जगत सिंह पुत्र श्री वांदू राम के नाम निर्गत की गयी है। साथ ही गाटा सं0 96क रकवा 0.0250हे0 में से घरौनी भूखण्ड संख्या 25, रकवा 63.19 वर्गमीटर की घरौनी श्री कुंवरपाल पुत्र श्री जगदीश को निर्गत हुयी है, जिस पर घरौनी के अनुसार ही श्री कुवरपाल पुत्र श्री जगदीश का पक्का मकान बना है तथा गाटा संख्या 139 के घरौनी भूखण्ड संख्या-19 पर श्री राजपाल सिंह पुत्र श्री पोती सिंह का पक्का मकान**

बना है। खाली भूमि में कोई घरौनी निर्गत नहीं की गयी है। इसी क्रम में अवगत कराना है कि गाटा संख्या 96 मि० (बंजर, नवीन परती व पुरानी परती) के आंशिक भाग पर पूर्व में श्री कुंवरपाल पुत्र श्री जगदीश द्वारा अस्थायी अवैध कब्जा करने का प्रयास किया जा रहा था, जिसे पूर्व में राजस्व प्रशासन द्वारा अतिक्रमण मुक्त कराकर भूमि ग्रामवासियों की उपस्थिति में ग्राम प्रधान (अध्यक्ष भूमि प्रबंधन समिति) / ग्राम सचिव/ प्रभारी खण्ड विकास अधिकारी, ब्लॉक सैदनगर की सुपुर्दगी में दे दी गयी। जिससे क्षुब्ध होकर श्री कुंदरपाल पुत्र श्री जगदीश व श्री राजपाल पुत्र श्री पोथी द्वारा गाटा संख्या 96 मि० (बंजर, नवीन परती व पुरानी परती) ग्राम समाज भूमि पर अवैध कब्जा करने की गलत मंशा से माननीय उच्च न्यायालय के समक्ष रिट योजित की गयी प्रतीत होती है। इस प्रकार राजस्व टीम द्वारा प्रस्तुत आख्या दिनांक 21.01.2025 की पुष्टि होती है। उपरोक्त तथ्यों के आधार पर श्री राजपाल पुत्र श्री पोथी व श्री कुंवरपाल पुत्र श्री जगदीश द्वारा प्रस्तुत समस्त प्रत्यावेदनों को निरस्त करते हुए निस्तारित किये जाने हेतु जांच आख्या प्रेषित की गयी है।"

अतः तहसीलदार टाण्डा, जनपद रामपुर की जांच आख्या दिनांक 09.01.2026 से सहमत होते हुए व उपलब्ध अभिलेखों / साक्ष्यों के आधार पर याचीगण द्वारा प्रस्तुत प्रत्यावेदन दिनांकित 24.05.2025 व इससे सम्बन्धित अन्य प्रस्तुत समस्त प्रत्यावेदन निरस्त करते हुए, तदनुसार निस्तारित किये जाते है। दिनांक:-09.01.2026

(राज कुमार भास्कर)

उपजिलाधिकारी टाण्डा, रामपुर"

7. Upon perusal of the finding recorded by the Sub Divisional Officer as quoted above, rejecting the petitioner' representation along with representation filed by Rajpal, there is no further scope for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

8. The writ petition is dismissed.

October 5, 2026
C.Prakash

(Chandra Kumar Rai,J.)

Digitally signed by :-
CHANDRA PRAKASH
High Court of Judicature at Allahabad