2026:AHC:207264

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 28680 of 2026

Amar Singh And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilesh Chandra Shukla, Shailesh Kumar
Counsel for Respondent(s)	:	Avinash Chandra Srivastava, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Akhilesh Chandra Shukla, learned counsel for the petitioners, Mr. Hari Mohan Srivastava, learned Additional Chief Standing Counsel for the State-respondents and Mr. Avinash Chandra Srivastava, learned counsel for the Gaon Sabha.

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

"i. Issue a writ, order or direction in the nature of certiorari and call for record of the case and quash the order dated 19.05.2026 passed in revision no. 1358 of 2026 (Amar Singh and others Vs state of U.P and another) u/s 198(4) of U.P. Zamindari Abolition and Land Revenue Act 1950 and pleased to stay the effect and operation of order dated 29.04.2025 passed by respondent No.3 u/s 198 of U.P.Z.A. and L.R. Act in case no.15 / 2011-12 till the pendency of the appeal pending before respondent no.2.

ii. issue a writ order or direction in the nature of mandamus directing the respondent revenue authorities not to dispossess the petitioner's from their land in question till revision is pending before respondent no.2."

3. Learned counsel for the petitioners submitted that the petitioners were allotted the plot in question in the year 1986, which was approved by the authorities in accordance with law. He further submitted that petitioners' allotment was cancelled but in revision filed on behalf of petitioners, the order of cancellation was set aside and matter was remitted back before the Collector to decide the matter afresh in accordance with law. He further submitted that in pursuance of the remand order the matter has

been decided by the Additional District Magistrate cancelling the petitioners' allotment on the ground that the allotment of other allottees has been cancelled by separate order, as such, petitioners' allotment cannot be maintained. He further submitted that the petitioners have filed revision before the Commissioner along with application for interim relief but application for interim relief has been rejected although revision has been entertained. He further submitted that the order for cancellation passed by Additional District Magistrate cannot be sustained in the eye of law, as such, petitioners are entitled for interim relief in the matter. He further submitted that there should be proper consideration of petitioners' allotment by the authorities rather cancel the petitioners' allotment on the ground that allotment of other allottees has been cancelled by the authorities. He placed reliance upon the judgement of this Court reported in ***2007 (102) RD 498, Ali Sher Vs. State of U.P. Through Collector, Bijnor and Others*** in order to demonstrate that the interim protection should be granted during pendency of appeal / revision if the order under appeal / revision has serious civil consequences.

4. On the other hand, learned Standing Counsel for the State and learned counsel for the Gaon Sabha submitted that no interference is required in the matter as revision filed by the petitioners is pending before respondent no.2, as such, petitioners should contest the proceeding before Additional Commissioner rather writ petition before this Court. They further submitted that the petitioners' allotment was first cancelled in the year 2000 and again cancellation order has been passed in the year 2025, as such, petitioners are not entitled to any relief in the matter.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the revision filed by petitioners arising out of proceeding under Section 198 (4) of U.P. Zamindari Abolition and Land Reforms Act, 1950 has been entertained but prayer for interim relief has been rejected.

7. This Court in the case reported in ***2007 (102) RD 498, Ali Sher Vs. State of U.P. Through Collector, Bijnor and Others*** has held that the

interim protection should be granted during pendency of appeal / revision if the order under appeal / revision has serious civil consequences. Paragraph Nos.4 & 5 of the judgment rendered in ***Ali Sher (supra)*** will be relevant for perusal, which are as follows:

"4. It is well settled that once an appeal or revision is entertained by a higher Court against an order having civil consequences stay normally should be granted to avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries."

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

8. Considering the circumstances of the case as well as ratio of law laid down in ***Ali Sher (supra)***, interest of justice requires that the pending revision should be decided within time bound period and till the disposal of the revision the petitioners should be granted interim protection.

9. Considering the entire facts and circumstances of the case, the instant petition is ***disposed of*** directing the respondent no.2/ Additional Commissioner to decide the aforementioned revision in accordance with law after affording proper opportunity of hearing to the parties, expeditiously preferably within a period of three months from the date of production of certified copy of this order. It is further directed that till the disposal of the aforementioned revision, the effect and operation of the impugned order dated 29.4.2025 passed by Additional District Magistrate in Case No.154 of 2011-2012 shall remain stayed.

(Chandra Kumar Rai,J.)

October 5, 2026
Rameez

Digitally signed by :-
RAMEEZ AHMED
High Court of Judicature at Allahabad