2026:AHC:208709

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 30383 of 2026

Smt Rambiri

.....Petitioner(s)

Versus

State Of Up And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Kumar Yadav, Prashant Kumar Singh
Counsel for Respondent(s)	:	Ajay Kumar Upadhyay, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner, Sri Ajay Kumar Upadhyay, learned counsel for the private respondent and Sri Mewa Lal Gupta, learned standing counsel for the state-respondents.

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

"i. Issue a writ, order or direction in the nature of mandamus, directing the Collector/respondent no. 2 and Up-Ziladhikari, Itwa, District-Siddhartha Nagar/Respondent no.3 to conduct the High Level Enquiry (by a Competent Authority) regarding dispossession of the respondent no.4 and his wife from the Gata No.773 (which is Rasta) and 758(charagaah) situated in Village-Bargadawan Tappa Khunniyaon, Tehsil-Itwa, District-Siddhartha Nagar.

ii. Issue a writ, order or direction in the nature of mandamus, directing the Up-Ziladhikari, Itwa, District-Siddhartha Nagar/Respondent no.3 to make demarcation of the Gata No.773 which is Rasta and 758 (charagaah), situated in village-Bargadawan Tappa Khunniyaon, Tehsil-Itwa, District-Siddhartha Nagar and also the passage stopped by the respondent no. 4 may kindly be removed.

iii. Issue an appropriate order or direction, directing the respondents to take appropriate action against the respondent no. 4 who is unnecessary making hindrance in the peaceful possession of the petitioner.

iv. Issue an order or direction directing the Up-Ziladhikari, Itwa, District-Siddhartha Nagar/Respondent no.3 to decide the

application dated 21.09.2025 expeditiously, as soon as possible.

3. Counsel for the petitioner submitted that proceeding under Section 24 of the U.P. Revenue Code, 2006, initiated at the instance of the petitioner, was allowed in proper manner but on the basis of time-barred restoration proceeding, the proceeding has been again restored which is abuse of process of law. He submitted that private respondent is interferring with the possession of the petitioner, as such, the petitioner has filed an application/representation before the authorities to take appropriate steps in the matter in respect to the petitioner's khasra no. 1722.

4. On the other hand, learned counsel for the private respondent and learned standing counsel for the State submitted that proceeding under Section 24 of the U.P. Revenue Code, 2006, initiated at the instance of the petitioner, is pending, as such, the writ for mandamus to restrain the private parties, cannot be entertained.

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

6. There is no dispute about the fact that proceeding under Section 24 of the U.P. Revenue Code, 2006 is pending before the Sub Divisional Officer/respondent no.3 on the basis of the order dated 23.6.2026 passed in the restoration application filed by private respondent no.6.

7. In view of the pendency of the proceeding under Section 24 of the U.P. Revenue Code, 2006, the writ for mandamus to restrain the private party, cannot be entertained.

8. No interference is required in the matter.

9. The writ petition is dismissed.

October 6, 2026
C.Prakash

(Chandra Kumar Rai,J.)

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