2026:AHC:227840

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 29675 of 2026

Akram Abbas

.....Petitioner(s)

Versus

State Of U.P. And 11 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramesh Chandra Maurya
Counsel for Respondent(s)	:	Avinash Chandra Srivastava, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Ramesh Chandra Maurya, learned counsel for the petitioner, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State 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 mandamus directing the Sub-Divisional Magistrate, Etmadpur, District-Agra/Respondent No.3 to initiate the proceeding of possession/ issue order Amaldaramad in favour of petitioner pursuant to final order dated 12/10/2023 and its decree dated 17/11/2023 on spot passed in proceeding U/s 116 of U.P. Revenue Code, 2006 in Case No. RST/03496/2019 (Computerized Case No. T201901010303496) (Akram Abbas versus Ram Sanehi and. others).

(II) Issue a writ, order or direction in the nature of mandamus directing the Sub Divisional Magistrate, Etmadpur, District-Agra/Respondent No. 3 to consider the Application of petitioner dated 16/04/2026 in regard to proceeding of possession/Amaldaramad which pending before him same shall be decided expeditiously, preferably within a short and stipulated period as this Hon'ble Court may deem fit and proper and till disposal of the Application, the respondents may be directed to not interfered in peaceful possession of the petitioner."

3. Learned counsel for the petitioner submitted that in spite of the final judgment/order/decree passed in the suit of division of holding, the possession has not been delivered to petitioner. He further submitted that

the petitioner filed an application before the Sub-Divisional Officer but no steps has been taken by the authorities. He further submitted that appropriate direction be issued to Sub-Divisional Magistrate/ respondent no.3 to consider the application filed by petitioner for possession of the plot in question.

4. I have considered the argument advanced by learned counsel for the petitioner and perused the records.

5. There is no dispute about the fact that the suit for division of holding under Section 116 of U.P. Revenue Code, 2006 has been decided by the trial Court.

6. Under U.P. Revenue Code, 2006/ U.P. Revenue Court Manual, provision has been prescribed for implementation / execution of the order passed in the proceeding under U.P. Revenue Code, 2006 , as such, writ petition for mandamus under Article 226 of the Constitution of India cannot be entertained.

7. The writ petition is ***dismissed*** with liberty to petitioner to initiate proper proceeding for implementation / execution of the judgement / decree / order passed under Section 116 of U.P. Revenue Code, 2006 in accordance with law.

(Chandra Kumar Rai,J.)

November 2, 2026
Rameez

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