2026:AHC:228433

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 30973 of 2026

Sukh Ram

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohammad Murtaza Khan, Mohammad Mustafa
Counsel for Respondent(s)	:	C.S.C., Vipin Kumar Dwivedi

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. The instant writ petition has been filed for the following relief.

> **"I. Issue a writ order or direction in the nature of certiorari calling for the records of the case and quash the impugned order dated 20.04.2026, passed by the Respondent No.2-Commissioner, Basti Division, Basti in Case No. 335 of 2026, Sukhram Vs. Smt. Durgawati and others, Computer Case No. C202617000000335, Under Section 210 of U.P. Revenue Code, 2006 as well as impugned order dated 24.03.2026, passed by Respondent no.3- Sub-Divisional Magistrate, Naugarh, District Siddharth Nagar in case No. 4732 of 2025, Ram Sumiran and others Vs. Durgawati and others, Under Section 35 (2) of U.P. Revenue Code, 2006 as well as impugned order dated 18.03.2025, passed by Respondent no.4-Tehsildar, Naugarh, District Siddharth Nagar in Case No. 5586 of 2023, Smt. Durgawati Vs. and Sukhram others, Computer Case No.T202317630105586, Under Section 34/35 of U.P. Revenue Code, 2006 (Annexure No.1 to this writ petition).**
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> **II. Issue a writ order or direction in the nature of mandamus, directing the respondents not to interfere in peaceful possession of the petitioner's land in dispute having Gata No. 412 admeasuring Area 1.2950 hectare out**

of which area 0.6475 hectare, situated at Village Khutwa, Tappa Nagwa, Pargana and Tehsil Naugarh, District Siddharth Nagar."

2. In the instant petition, it is mentioned that mutation order has been passed in favour of respondent no.5 on the basis of the sale deed which cannot be relied upon. He submitted that appeal as well as revision filed against the order of mutation have been dismissed without considering the case as set up in appeal and revision. It is also mentioned in the petition that impugned order should be set aside and claim of private respondent no.5 on the basis of sale deed in question should be rejected.

3. Mr. Vipin Kumar Dwivedi, learned counsel for respondent no.5 submitted that respondent no.5 was rightly ordered to be recorded on the basis of the sale deed in question. He further submitted appeal and revision filed against the order of mutation have also been dismissed by the appellate as well as revisional court in proper manner. He further submitted that Civil Suit filed by Ram Sumiran and another in respect to the sale deed dated 31.07.2023 and 01.08.2023 is pending before civil court, as such no interference is required against the impugned orders passed in summary proceeding.

4. I have perused the record.

5. There is no dispute about the fact that order of mutation has been passed by Tehsildar in favour of respondent no.5 on the basis of the sale deed in question, which has been maintained in appeal as well as revision.

6. The perusal of the order passed by Tehsildar/ Sub Divisional Officer/ Commissioner demonstrate that order of mutation has been passed in proper manner for recording the name of respondent no.5 on the basis of the registered sale deed dated 01.08.2023.

7. It is also material to mention that civil suit for cancellation of registered sale deed dated 01.08.2023 is pending before the civil court, as such no interference is required against the impugned order passed in the summary proceeding.

8. **The writ petition is dismissed.** Needless to say that orders passed in mutation proceeding are always subject to adjudication of dispute, if any, by the regular court.

(Chandra Kumar Rai,J.)

November 2, 2026
PS*

Digitally signed by :-
PRITI SHARMA
High Court of Judicature at Allahabad