2026:AHC:227263

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 30932 of 2026

Dwarika Prasad

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Prajapati, Kamlesh Kumar Tripathi
Counsel for Respondent(s)	:	Achal Singh, C.S.C., Devendra Singh, Satya Prakash Rathor

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Learned counsel for the petitioner is permitted to correct the particular of respondent no.6 during course of the day.

2. Heard Ms. Nandani Mishra, learned cousnel holding the brief of Mr. Kamlesh Kumar Tripathi, learned counsel for the petitioner, Mr. Shashi Kant Kushwaha, learned Standing Counsel for the State-respondents, Mr. Satya Prakash Rathor, learned counsel for respondent No. 4 and Mr. Achal Singh, learned counsel for the Gram Sabha.

3. The instant writ petition has been filed for the following relief**:-**

> **"i. issue a writ, order or direction in the nature of certiorari to quash the judgment and order dated 13.04.2026 passed by the Additional Commissioner (Second), Chitrakoot Dham Division, Banda in Appeal No. 578 of 2024, Computerized Case No. C202407000000578 (Dwarika Prasad Vs. Chhedalal and others) under Section 207 of the U.P. Revenue Code, 2006 and impugned judgment and order dated 20.02.2024 passed by the Sub Divisional Magistrate, Mahoba in Case No. 1368 of 2022, Computerized Case No. T202207480101368 (Chhedalal Vs. Dayaram and others) under Section 116 of the U.P. Revenue Code,**

2006 (Annexure no.1 and 2)

ii. Issue a writ, order or direction in the of nature Mandamus commanding the respondent authorities to reconsider the partition proceedings by preparing a fresh Kurra, Kurra Ekjai and Naksha Rangabhedi after conducting a proper local inspection, considering the petitioner's objections dated 15.01.2024, the actual physical possession of the parties, previous family arrangement, standing tree agricultural improvements, ancestral well (Kuan) Devsthan, Common passage and all other permanent physical features existing on the spot, and thereafter to pass a fresh reasoned order strictly in accordance with the provisions of the U.P. Revenue Code, 2006 and the Rules framed thereunder."

4. Learned counsel for the petitioner submitted that in the suit under Section 116 of U.P.Revenue Code, 2006 kurra was not prepared according to the possession of the parties. She further submitted that proper objection has been submitted on behalf of petitioner before the trial court but the same has not been considered. She further submitted that appeal under Section 207 of UP Revenue Code, 2006 filed by petitioner has been dismissed without considering the case as set up in appeal. She submitted that impugned orders should be set aside and trial court be directed to consider the matter afresh in the light of the objection filed on behalf of petitioner.

5. Learned counsel for respondent No. 4, learned Standing Counsel for the State-respondents and learned counsel for the Gram Sabha submitted that petitioner has alternative remedy against the impugned judgments/ orders, as such writ petition cannot be entertained.

6. I have considered the argument advanced by learned counsel for parties and perused the record.

7. There is no dispute about the fact that kurra prepared by Lekhpal

has been confirmed by the trial court as well as appeal filed by the petitioner has been dismissed by appellate court under the impugned orders.

8. Since petitioner has alternative remedy against the impugned judgments/ orders passed in the proceeding under Section 116 of U.P. Revenue Code, 2006, as such instant writ petition cannot be entertained.

9. **The instant writ petition is dismissed** with liberty to petitioner to avail alternative remedy along with prayer for condonation of delay, against the impugned judgments/orders, which shall be considered and disposed of in accordance with law.

November 2, 2026
PS*

(Chandra Kumar Rai,J.)

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