HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 33745 of 2026

Ramasharan And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anuj Srivastava, Devaang Savla, Rajeev Upadhyay
Counsel for Respondent(s)	:	Anjali Upadhya, C.S.C., Sunil Kumar Singh, Vineet Pandey

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Rajeev Upadhyay, learned counsel for the petitioners, Sri Atul Kumar Tiwari, learned counsel, holding the brief of Sri Vineet Pandey, learned counsel for the respodnent-Greater Noida Development Authority, Sri Mewa Lal Gupta, learned standing counsel for the State-respondents and Sri Sunil Kumar Singh, learned counsel for the respondent-Land Management Committee.

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

> **"I. Issue a writ, order or direction in the nature of certiorari, quashing the impugned order dated 09.05.2022 [Annexure No.2] passed by the Tehsildar, Tehsil- Sadar, District-Gautam Budh Nagar u/s 35 of the U.P. Revenue Code, 2006 in Case No. 1051/2021, order dated 18.01.2025 /Annexure No.3] passed by the Sub-Divisional Magistrate, Tehsil- Sadar, District- Gautam Budh Nagar u/s 35(2) of the U.P. Revenue Code, 2006 in Case No.2067/2022 and order dated 16.07.2025 [Annexure No.5] passed by the Additional Commissioner, Mandal- Meerut u/s 210 of the U:P. Revenue Code, 2006 in Case No.669/2025; (Annexure no.5) passed by the Additional Commissioner, Mandal-Meerut U/s 210 of the U.P. Revne Code, 2006 in Case No.669/2025.**
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> **II. issue a writ, order or direction in the nature of mandamus,**

commanding the Tehsildar, Tehsil Sadar, District Gautam Budh Nagar to mutate the name of the petitioners over the land being Khasra No.521M (Old)/734 (New), admeasuring 3-6-0 and Khata No.160 situated at village-Sakipur, Pargana Dadri, Tehsil & District -Gautam Budh Nagar."

3. Counsel for the petitioners submitted that proceeding under Section 35 of the U.P. Revenue Code, 2006, initiated at the instance of the petitioner, has been rejected by the Tehsildar on misconceived ground. He submitted that allotment was made in favour of the petitioners in the year 1976. He submitted that there is no limitation for filing of mutation application, as such, mutation application cannot be rejected on the ground that petitioner is claiming mutation, on the basis of allotment made 46 years ago. He submitted that appeal and revision filed by the petitioner has also been dismissed without considering the case as set up in appeal/revision. He submitted that all the three orders should be set aside and the petitioner's claim for mutation on the basis of allotment, should be examined afresh.

4. On the other hand, learned standing counsel for the State submitted that mutation application cannot be entertained on the basis of allotment alleged to be made in favour of the petitioner in the year 1976. He submitted that no interference is required in the matter against the order passed in the mutation proceeding.

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 35 of the U.P. Revenue Code, 2006, initiated at the instance of the petitioner, has been rejected by the Tehsildar. There is also no dispute about the fact that appeal and revision filed by the petitioner have been dismissed by the appellate court and revisional court.

7. It is material to mention that petitioners are claiming mutation

under Section 35 of the U.P. Revenue Code, 2006, on the basis of allotment alleged to be made in his favour in the year 1976.

8. The mutation application cannot be entertained in view of the finding recorded by the Tehsildar in the instant matter. It is correct that there is no limitation for filing mutation application but it does not mean that mutation application can be entertained even after more than 40 years from the date of execution of documents.

9. It is also material to mention that there is no necessity to file application under Section 35 of the U.P. Revenue Code, 2006 to record the name of the allottee on the basis of agricultural allotment.

10. It is also material to mention that plot in question has been acquired by respondent no.2/Greater Noida Industrial Development Authority, as such, petitioner cannot be recorded over the plot in question.

11. No interference is required in the matter.

12. The writ petition is dismissed.

October 29, 2026
C.Prakash

(Chandra Kumar Rai,J.)

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