2026:AHC:210097

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4062 of 2026

Jishan And Another

.....Petitioner(s)

Versus

The Board Of Revenue Prayagraj U.P And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Syed Hasan Shaukat Abidi
Counsel for Respondent(s)	:	C.S.C., Kaushal Kishore Mani

Court No. - 51

HON'BLE ARUN KUMAR, J.

Order on Impleadment Application No. 3 of 2026

1. This is an application to implead 'Additional Collector (F & R), Saharanpur' as respondent no. 8 in the present petition as the order passed by him is also under challenge.

2. The present application is allowed.

3. Learned counsel for the petitioners is permitted to carry out necessary incorporation during course of the day.

Order on Petition

4. Heard Mr. Syed Hasan Shaukat Abidi, learned counsel for the petitioner, learned Standing Counsel for the State respondent nos. 1 & 8 and Sri Sashank Shukla, holding brief of Sri K. K. Mani, learned counsel for the respondent no. 2.

5. The present petition has been filed challenging the orders of respondent nos. 1 and 8, dated 20.03.2024 and 24.01.2005, respectively, passed in proceeding arising out of Section 198(4) of the U.P. Zamindari Abolition and Land Reforms Act, 1950.

6. It is contended by the learned counsel for the petitioners that the order of respondent no. 8 - Additional Collector (F & R), Saharanpur, dated 24.01.2005, cancelling agricultural lease granted in favour of petitioners,

is without jurisdiction as the authority vested only with the Collector. It has been further stated the petitioners were neither minor nor related to Pradhan, therefore, the entire allotment proceedings should not have been cancelled. It is submitted that out of 14 leases granted by resolution of Land Management Committee dated 27.11.1999, 6 belongs to scheduled caste and 8 belongs to Other Backward Caste, therefore, the reason recorded for cancelling the entire allotment on the ground of no proper publication, is unjust and liable to be set aside. Contention is that the respondent no. 1 has manifestly erred in dismissing the revision filed by the petitioners, ignoring their claim, as they fall in the eligible category as they were neither minor nor related to Pradhan.

7. Learned Standing Counsel, on the other hand, has defended the orders passed by the respondent nos. 1 and 8.

8. I have considered the submissions made by learned counsel for the parties and perused the record.

9. The order dated 24.01.2005, passed by the Additional Collector (F & R) cancelling the allotment of lease records a categorical finding that the records maintained by the Land Management Committee in respect of meeting held on 27.11.1999 shows that Munadi was held on 26.11.1999 for the meeting to be held on 27.11.1999. The alleged lottery, which was the basis for selecting the eligible persons, has been referred to be carried out by minor child whose parentage has not been disclosed. The eligibility list was prepared during the meeting of Land Management Committee held on 27.11.1999. The Statement of Lekhpal was recorded in which he has accepted that various eligible candidates have been left out as the list was prepared during the meeting. The aforesaid anomaly vitiates the entire allotment process as allotted persons include real brothers (petitioners), minors and brother of Gram Pradhan.

10. The aforesaid fact shows that the anomalies in conducting the allotment proceeding were not merely an act of co-incident but deliberate violation of the provisions for making allotment. The respondent no. 1 after considering the entire materials on record has upheld the order of Additional Collector.

11. The ground for challenging the order of Additional Collector, dated 24.01.2005 that it has no authority under the relevant Act/Rules to pass an order cancelling the lease, does not exist as the Full Bench of this Court in the case of Brahm Singh vs. Board of Revenue, 2008 (105) RD 1 held that the Additional Collector and Collector both have equivalent powers to decide the case registered under sub-section (4) of Section 198 of the Act of 1950.

12. In view of the aforesaid, no interference is warranted by this Court with the orders under challenge in the present petition.

13. The writ petition lacks merit and is, accordingly, dismissed.

(Arun Kumar,J.)

October 7, 2026
Ashok Kr.

Digitally signed by :-
ASHOK KUMAR
High Court of Judicature at Allahabad