HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 35541 of 2026

Kamta Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjoo Yadav, Shivajee Srivastava, Shrikant Singh Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard learned counsel for the petitioner and Sri Dinesh Kumar Tiwari, learned standing counsel for the state-respondents.

2. Brief facts of the case are that on the restoration application dated 17.1.2014 filed on behalf of respondent no.4, the order dated 6.1.2014, has been set aside and the mutation proceeding has been restored on its original number. A Civil Suit No.42 of 2014, filed on behalf of the petitioners, is pending before the civil court, Ghazipur. Hence, the instant writ petition for the following reliefs:-

> **"i. Issue a writ, order or direction in the nature of mandamus, directing the respondent no.3/ Tehsildar, Tehsil- Jakhaniya, District-Ghazipur not to proceed in the Case No. 2760/2021 (Computer Case No. T202114290502760) (Nand Lal Vs. Chanda) under section 34 of U.P. Land Revenue Act, during the pendency of Original Suit No.42 of 2014 (Kamta Yadav vs. Nand Lal Yadav) pending in the court of Civil Judge (S.D.), F.T.C., Ghazipur.**
>
> **ii. Issue an writ, order or direction to in the nature of Mandamus directing the respondent revenue authorities not to disturb and interfere in the peaceful possession and occupation of the Petitioner on the Agricultural Lands, in any manner, during the pendency of the Original Suit No.42 of 2014 (Kamta Yadav Vs. Nand Lal Yadav) pending in the court**

of Civil Judge (S.D.), F.T.C. Ghazipur."

4. Counsel for the petitioner submitted during pendency of proceeding of civil suit, proceeding under Section 34 of the U.P. Revenue Code, 2006 should be stayed. He further submitted that the authorities be directed not to interfere in the peaceful possession of the petitioner in respect to the plot in question.

5. I have considered the arguments advanced by learned counsel for the petitioner and perused the records.

6. There is no dispute about the fact that civil suit, at the instance of the petitioner, is pending before the civil court as Civil Suit No.42/2014 in respect to the will deed dated 27.3.2002. There is no dispute about the fact that mutation proceeding in respect to the plot in question is pending before the Tehsildar as Case No.T202114290502760.

7. Considering the circumstances of the case, the interest of justice requires that both the proceedings should be decided in accordance with law as both the proceedings are independent proceeding.

8. It is settled law that the order passed in the mutation proceeding is always subject to adjudication of dispute by the regular court.

9. Considering the aforementioned facts and circumstances of the case, no interference is required in the matter.

10. The writ petition is disposed of with the observation that both the aforementioned proceedings shall be decided in accordance with law expeditiously. Needless to say that the order passed in the mutation proceeding are always subject to adjudication of dispute by the regular court.

(Chandra Kumar Rai,J.)

November 2, 2026
C.Prakash

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