HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 38600 of 2026

Buland Akhtar And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dharmendra Kumar Pandey, Shrawan Kumar Pandey
Counsel for Respondent(s)	:	C.S.C., Krishna Pal Verma

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Shrawan Kumar Pandey, learned Counsel for the petitioner, Mr. K.P. Verma, learned Counsel for respondent no.4 and Mr. Manoj Kumar Mishra, learned Standing Counsel for State.

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

"(i) Issue a writ, order or direction in the nature of certiorari call for record of the case and quash the proceeding of the restoration application no. 6475 of 2026 (computerized case No. T202616670506475) (Santosh Kumar Vs. Buland Akhtar and others) of U.P. Land Revenue Act, 1901 (LR Act) pending before the respondent no.3, Sub Divisional Officer Tehsil Bhadohi District Bhadohi since 20.4.2026.

(ii) Issue a writ, order or direction in the nature of mandamus command the respondent no.3, Sub Divisional Officer, Tehsil Bhadohi District Bhadohi forthwith to not to proceed further proceeding of the restoration application no. 6475 of 2026 (Computerized case No. T202616670506475) (Santosh Kumar Vs. Buland Akhtar and others) under Section 33/39 of U.P. Land Revenue Act, 1901 (LR Act), during the pendency of the present writ petition."

3. Learned Counsel for the petitioners submitted that in pursuance of the decree passed in the suit under Section 229-B of U.P.Z.A. and L.R. Act, petitioners' father was recorded over the plot in question. He submitted

that in summary proceeding under Section 33/39 of U.P. Land Revenue Act, 1901, entry of petitioners' father has been expunged vide order dated 11.1.2010 and plot no. 112M area 0.228 hectare was ordered to be recorded as "Usar". He further submitted that revision filed on behalf of petitioners against the order dated 11.1.2010 has been allowed by Board of Revenue vide order dated 1.2.2010 and matter was remanded back before Sub Divisional Officer for fresh adjudication. He submitted that no order has been passed by the authorities in pursuance of the order of Board of Revenue dated 1.2.2010 and petitioners are still recorded over plot no. 112M along with other co-sharer. He submitted that application dated 27.10.2025 has been filed by respondent no.5 before Sub Divisional Officer with the prayer that the record of the proceeding be reconstructed and matter should be decided in pursuance of the order dated 1.2.2010. He submitted that against application of respondent no.5, an objection was filed on behalf of the petitioners that application is barred by limitation, as such, petitioners' application should be rejected. He submitted that name of petitioners are recorded in the revenue record and order setting aside the petitioners' entry has been set aside by the Board of Revenue in revision and no further order was passed by Sub Divisional Officer in pursuance of the remand order dated 1.2.2010, as such, the application after such a long period at the instance of stranger to the proceeding cannot be entertained.

4. On the other hand, learned Standing Counsel for State and learned Counsel for Nagar Palika Parishad Bhadohi submitted that application has been filed by respondent no.5 with the prayer that record of the proceeding be reconstructed and matter should be decided in pursuance of the remand order dated 1.2.2010 which requires no interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. They further submitted that revision filed by petitioners were allowed and matter was remanded back before Sub Divisional Officer, as such, it was the duty of the petitioners to file the copy of the order before the Sub Divisional Officer to decide the proceeding afresh but petitioners have not taken any steps before the Sub Divisional Officer, as such, matter could not be decided since 2010. They further submitted that appropriate direction be issued to respondent no.3 to reconstruct the

record of the proceeding and decide the same afresh in accordance with law.

5. I have considered the argument advanced by learned Counsel for the parties and perused the records.

6. There is no dispute about the fact that order passed expunging the petitioners' entry under Section 33/39 of U.P. Land Revenue Act, 1901 has been set aside by the Board of Revenue in revision vide order dated 1.2.2010 and matter was remanded back before Sub Divisional Officer but no further order has been passed by Sub Divisional Officer in pursuance of the remand order dated 1.2.2010 passed by Board of Revenue.

7. Considering the aforementioned facts and circumstances of the case, interest of justice requires that respondent no.3, Sub Divisional Officer should decide the matter under Section 33/39 of U.P. Land Revenue Act, 1901 in pursuance of the remand order dated 1.2.2010 passed in revision filed by petitioners after reconstructing the record of the proceeding if the record of the proceeding are misplaced.

8. Considering the entire facts and circumstances of the case, the instant petition is finally **disposed of** directing the petitioners as well as Nagar Palika Parishad Bhadohi, District Bhadohi who are represented by learned Counsel before this Court to file certified copy of this order before respondent no.3, Sub Divisional Officer, Tehsil Bhadohi, District Bhadohi within period of **three weeks** from today and respondent no.3, Sub Divisional Officer, Tehsil Bhadohi, District Bhadohi shall accordingly register the proceeding and decide the same after affording proper opportunity of hearing to the parties as well as reconstructing the record of the proceeding, if the record of the proceeding is misplaced, expeditiously preferably within period of **four months** from the date of production of certified copy of this order. It is further directed that Nagar Palika Parishad Bhadohi, District Bhadohi shall also be impleaded in the proceeding under Section 33/39 of U.P. Land Revenue Act, 1901 and shall be given opportunity by the Sub Divisional Officer before deciding the aforementioned proceeding under Section 33/39 of U.P. Land

Revenue Act, 1901.

(Chandra Kumar Rai,J.)

October 23, 2026
Vandana Y.

Digitally signed by :-
VANDANA YADAV
High Court of Judicature at Allahabad