HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 35902 of 2026

Liyakat Ali

.....Petitioner(s)

Versus

State Of U.P. And 23 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anjani Kumar Tripathi, Vinod Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C., Ravindra Singh

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Anjani Kumar Tripathi & Mr. Vinod Kumar Srivastava, learned counsel for the petitioner, Mr. Abhishek Rai, learned counsel holding brief of Mr. Ravindra Singh, learned counsel for respondent no.3 and Mr. Satyendra Bhushan Dubey, learned Standing Counsel for the State.

2. With the consent of the learned counsel for the parties, the instant writ petition is heard and disposed of finally without inviting counter affidavit.

3. Brief facts of the case are that the proceeding under Section 33/39 of U.P. Land Revenue Act, 1901 was initiated by respondent no.4/ Sakina which was decided by the Sub-Divisional Officer vide order dated 3.8.2017 directing to record the name of Subrati son of Yaseen in the place of Saravati son of Yaseen in respect to khata no.628, plot no.345. Against the order dated 3.8.2017 passed by Sub-Divisional Officer, revision under Section 219 of U.P. Land Revenue Act, 1901 was filed on behalf of respondent no.3 which has been registered as Case No.C20171402169. In the aforementioned revision, under Section 219 of U.P. Land Revenue Act, 1901, an application has been filed on behalf of petitioner along with his wife to implead them as party in the revision and dismissed the revision as no maintainable. Application filed by petitioner along with his wife has been rejected by the Additional Commissioner vide order dated 18.8.2026 and revision has been fixed for 29.8.2026.

Hence, the instant petition has been filed on behalf of the petitioner for the following relief:

"I. Issue a writ order or direction in the nature of Certiorari quashing the Impugned order dated 18.8.2026 passed by Respondent no.2 (Annexure -1) to the writ petition.

II. Issue a writ order or direction in the nature of mandamus directing the Respondent no.2/ Apar Commissioner (Judicial/First) Varanasi Division Varanasi to implead the petitioner as necessary party as Respondent in aforesaid Revision no.1187 of 2017 (C.201714002169) Ram Ji @ Ram Ji Singh... Vs...Sakina and others pending before Apar Commissioner (Judicial/First) Varanasi Division Varanasi during the pendency of present petition."

4. Learned counsel for the petitioner submitted that the impleadment application filed on behalf of petitioner along with his wife has been rejected in illegal and arbitrary manner as petitioner along with his wife are claiming right on the basis of sale deed executed in their favour by the recorded owner Ibrahim and Khairulla. He further submitted that in view of the order passed under Section 33/39 of U.P. Land Revenue Act, 1901, the petitioner along with his wife are entitled to be impleaded in the revision filed by respondent no.3 but the application for impleadment has been rejected on misconceived ground. He further submitted that the impugned order should be set aside and petitioner along with his wife should be impleaded in pending revision in accordance with law.

5. On the other hand, learned counsel appearing on behalf of respondent no.3 submitted that no interference is required against the order rejecting the impleadment application of the petitioner in revision filed by respondent no.3. He further submitted that the petitioner has no locus to apply for impleadment in revision filed against the order passed by Sub-Divisional Officer, under Section 33/39 of U.P. Land Revenue Act, 1901. He further submitted that the petitioner is claiming right from Ibrahim & Khairulla and respondent no.3 is claiming right on the basis of sale deed executed by Sakeena, as such, petitioner cannot apply for impleadment in revision filed by respondent no.3. He further submitted that the petitioner and his wife were not party before the Sub-Divisional Officer, as such, they cannot be impleaded in revision under Section 219 of U.P. Land

Revenue Act, 1901 filed by respondent no.3 against the order of Sub-Divisional Officer. He further submitted that no interference is required in the matter and writ petition is liable to be dismissed.

6. I have considered the argument advanced by learned counsel for the petitioner, learned counsel appearing on behalf of respondent no.3, learned Standing Counsel for the State and perused the records.

7. There is no dispute about the fact that the application for impleadment filed on behalf of petitioner along with his wife has been rejected by the Additional Commissioner under the impugned order dated 18.8.2026.

8. In order to appreciate the controversy involved in the matter, perusal of the relevant portion of the order of Sub-Divisional Officer dated 3.8.2017 will be necessary, which is as under:

"न्यायालय उप जिलाधिकारी मडियाहूँ जौनपुर

वाद संख्या / धारा 33/39एल०आर०ऐक्ट

मौजा सुरेरी परगना गोपालापुर तहसील मडियाहू

सकीना बनाम रमजान आदि

आदेश

मैने उभयपक्षों के विद्वान अधिवक्ता के तर्को को सुना एवं पत्रावली पर उपलब्ध साक्ष्यों एवं तहसीलदार की आख्या का अवलोकन किया अवलोकन से स्पष्ट है कि खतौनी 1359फ0 से लेकर दौरान चकबन्दी उसके बाद के अभिलेख में गाटा संख्या 340 रकबा 0.50डि० इब्राहिम व खैरुल्ला पुत्रगण डगर निवासी सुरेरी के नाम दर्ज रही। इब्राहिम व खैरुल्ला पुत्रगण डंगर के वारिसान व्दारा लियाकत पुत्र रोजन व जरीना पत्नी लियाकत निवासी सुरेरी को बैनामा कर दिया जैसा कि दस्तावेज बैनामा से स्पष्ट है। मा० उच्च न्यायालय आर०डी० 2006 (11) पेज 461, 462 व आर0डी0 2009 (11) पेज 189 लगायत 191 में उल्लेख है कि लम्बी अवधि के इन्द्राज को धारा 33/39 एल०आर०ऐक्ट के तहत दुरूस्त नहीं किया जा सकता। ऐसी स्थिति में प्रस्तुत वाद निरस्त किये जाने योग्य है।

अत: उक्त के आलोक में सकीना पत्नी सुबराती व उसके बैदार रामजी पुत्र राजनरायन निवासी सुरेरी व्दारा प्रस्तुत प्रार्थनापत्र अन्तर्गत धारा 33/39 एल०आर०ऐक्ट निरस्त किया जाता है तथा तहसीलदार की आख्या दिनांक 29.12.09 आंशिक रूप से स्वीकार करते हुए खाता संख्या 628 की गाटा संख्या 345 पर सेरावती पुत्र यासीन के स्थान पर शुद्ध नाम शोबराती पुत्र यासीन दर्ज हो। गाटा संख्या 340 के वावत यदि प्रार्थी का स्वत्व व अधिकार निहित है तो धारा 144 रा0सं0 में दावा दाखिल कर अनुतोष प्राप्त कर सकता है। बाद आवश्यक कार्यवाही पत्रावली दा० द0 हो ।

उप जिलाधिकारी

मड़ियाहू जौनपुर।"

9. Perusal of the relevant portion of the order passed by the Sub-Divisional Officer as quoted above demonstrate that the petitioner and his wife are claiming right on the basis of sale deed executed by recorded owner Ibrahim & Khairulla, as such, they should be impleaded in the proceeding and given opportunity of hearing rather reject the impleadment of the petitioner as well as his wife.

10. Considering the entire facts and circumstances of the case, the impugned order dated 18.8.2026 passed by respondent no.2 is liable to be set aside and the same is hereby set aside.

11. The writ petition is ***allowed***. The impleadment application filed on behalf of petitioner to implead him as party in pending revision is allowed. Respondent no.3 is directed to implead the petitioner and his wife as opposite parties in the pending revision. It is further directed that respondent no.2/ revisional Court shall decide the aforementioned pending revision after affording proper opportunity of hearing to the parties, expeditiously preferably within a period of three months from the date of production of certified copy of this order.

(Chandra Kumar Rai,J.)

October 23, 2026
Rameez

Digitally signed by :-
RAMEEZ AHMED
High Court of Judicature at Allahabad