HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 36941 of 2026

Ram Bachan

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Dwivedi, Shiv Sagar Singh
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, C.S.C., Nikhil Kumar Yadav, Vagish Yadav

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.

1. Heard Sri Shiv Sagar Singh, learned counsel for the petitioner, Sri Ashok Kumar Tiwari and Sri Nikhil Kumar Yadav, learned counsel for respondent no. 2-Nagar Panchayat, and Sri Anoop Chaturvedi, learned Advocate, who has put in appearance on behalf of a third party claiming rights, though he is not impleaded as a party to the present petition.

2. The petitioner is aggrieved by the action of the Nagar Panchayat in writing to the District Magistrate to dispossess him from the land in question, whereas the matter is sub judice before this Court in Writ-B No. 3588 of 2022. It is contended that the petitioner's decree should remain intact until the Board of Revenue sets aside the same, which order is under challenge with respect to Plot Nos. 1113 and 1129.

3. Per contra, learned counsel for the respondents has raised a preliminary objection as to the maintainability of this petition on the ground that since the petitioner is already pursuing a writ petition against the order of the Board of Revenue, and the District Magistrate is interfering with his possession or, otherwise, the Nagar Panchayat intends to dispossess him, he should seek appropriate relief in the pending writ petition itself by moving an appropriate application.

4. Learned counsel for the petitioner could not dispute the pendency of the writ petition. However, he sought to defend the present writ petition on the ground that the Nagar Panchayat did not file any declaratory suit. It

was the suit filed by the petitioner which was decreed.

5. Be that as it may, since the petitioner has already approached this Court by filing Writ-B No. 3588 of 2022 in respect of the property in question, the petitioner ought to have filed an appropriate stay application, as he apprehends dispossession at the hands of the Nagar Panchayat and the District Magistrate. Hence, we decline to grant any indulgence in the matter.

6. Subject to the aforesaid liberty to move an application in the pending writ petition, being Writ-B No. 3588 of 2022, for appropriate interim relief, the petition is consigned to record.

(Garima Prashad,J.) (Ajit Kumar,J.)

November 2, 2026
Lbm/-

Digitally signed by :-
LAL BAHADUR MAURYA
High Court of Judicature at Allahabad