2026:AHC:208475

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4459 of 2026

Usha Devi And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Adarsh Sharma, Hema Shukla, Jyoti Singh
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh, Vidya Dhar Dubey, Vivek Dwivedi

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Ms. Hema Shukla, learned counsel for the petitioners, learned Standing Counsel for respondent nos. 1, 2 & 3 and Sri Vidya Dhar Dubey, learned counsel for respondent no. 4.

2. Sri Pradeep Singh has accepted notice on behalf of respondent no. 5.

3. The present petition has been filed challenging the order dated 19.08.2026 passed by respondent no. 2, Member (Judicial), Board of Revenue, Lucknow in Revision No. 2812 of 2026, which is pending before it.

4. It is contended by learned counsel for the petitioners that during the pendency of the restoration application filed by the petitioners for recalling the order dated 06.02.2026 dismissing the Case No. 1982 of 2022 for want of prosecution, an application was moved restraining the recorded tenure holder from creating third party interest. The Tehsildar (Judicial), Aurai by his order dated 24.06.2026 passed an order restraining the parties from transferring the land in dispute and changing its nature. The said order was challenged by respondent no. 4 in revision before the Board of Revenue, which has been stayed by the order dated 19.08.2026 behind the back of the petitioners. It is next contended that respondent no. 4, who is recorded over the land in dispute, is bent upon transferring it during the pendency of the case, which would lead to multiplicity of proceedings.

5. On the other hand, learned counsel for respondent no. 4 has contended that against the order dated 27.06.2025 directing the name of the respondent no. 4 to be recorded in the revenue record as heir of Giraja Shankar, a revision filed by the petitioners is already pending before respondent no. 2.

The Case No. 1982 of 2022 is a fresh case registered on the application of the petitioners during the pendency of the revision before respondent no. 2. The interim order granted by the Tehsildar by his order dated 24.06.2026 was in violation of Second Proviso of Section 209(h) of the U.P. Revenue Code, 2006, therefore, the respondent no. 2 was justified in interfering with it in the revision filed by respondent no. 4.

6. I have heard the submissions made by learned counsel for the parties and perused the records.

7. Whether the interim order dated 24.06.2026 was justified without restoring the Case No. 1982 of 2022 is subject matter of Revision No. 2812 of 2026, which is pending consideration before respondent no. 2. Any observation on the merits of the aforesaid order would preempt the decision to be taken while deciding the aforesaid revision. The petitioners had a remedy to move an appropriate application for recalling the order dated 19.08.2026 in the pending revision instead of challenging the same before this Court.

8. In the aforesaid circumstances, the present petition is **disposed of** with liberty to the petitioners to move an appropriate application for recalling the order dated 19.08.2026 by filing a stay vacation application in Revision No. 2812 of 2026. If any such application is filed by the petitioners within a period of two weeks from today, respondent no. 2 is directed to fix a date after three weeks and on the date fixed in the matter, the stay vacation application shall be considered and decided in accordance with law, after hearing all the concerned parties.

9. The stay vacation application to be filed by the petitioners shall be registered only after a copy of the same is served upon the counsel representing respondent no. 4 before respondent no. 2.

10. If the parties agreed then the revision itself would be decided in accordance with law on the next date fixed in the aforesaid revision.

11. As this order is being passed in presence of counsel for respondent no. 4, it will be deemed that he has notice of the proceedings which are going to be undertaken in compliance of the order of this Court.

October 6, 2026
Sartaj

(Arun Kumar,J.)

Digitally signed by :-
SARTAJ AHMAD
High Court of Judicature at Allahabad