2026:AHC:211116

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. WRIT PETITION No. - 22480 of 2026**

Guncha Bhatia

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Mohd. Saleem Khan, Utkarsh Kharwar |
| Counsel for Respondent(s) | : | Ajay Kumar Mishra, G.A., Himanshu Kumar, Tanisha Jahangir Monir |

**Court No. - 78**

**HON'BLE SANDEEP JAIN, J.**

By order dated 17.09.2026, the District Magistrate, Pilibhit, as well as the Sub-Divisional Magistrate, Amaria, were directed to submit their respective reports explaining as to why no effective action had been taken till date on the complaints regarding the alleged violation and non-compliance of the orders of attachment and appointment of the receiver.

In compliance with the aforesaid order, learned A.G.A. has filed affidavits on behalf of respondent nos. 2 and 3, which are taken on record. In addition thereto, short counter affidavits on behalf of respondent nos. 5, 6 and 7 have also been filed, which are likewise taken on record.

The affidavits filed on behalf of respondent nos. 2 and 3 disclose that, pursuant to the order passed by this Court on 17.09.2026, possession of the attached land was restored to the receiver, Mamta Devi, respondent no. 7, on 23.09.2026.

It is further disclosed in the said affidavits that, on 30.09.2026, private respondent no. 5, Pranav Bhasin, attempted to take forcible possession of the land. Consequently, an F.I.R. was registered against him on 01.10.2026, being Case Crime No. 286 of 2026, under Sections 115(2), 223(a), 324(3), 329(3), 333, 352 and 351(3) of the B.N.S., at Police Station Nyuriya, District Pilibhit. Learned counsel appearing for respondent no. 7 also admits that possession of the attached land has been handed over to the receiver.

Learned counsel for the petitioner submits that, since the order of attachment dated 02.02.2026 has been implemented and possession of the attached land

has been handed over to the receiver, Mamta Devi, nothing further remains to be adjudicated in the present writ petition and, accordingly, the same may be disposed of.

Per contra, learned counsel appearing for private respondent nos. 5 and 6 submits that the attachment order dated 02.02.2026 is bad in law. It is submitted that respondent nos. 5 and 6 are also co-owners of the attached land and that the land in question has not been properly demarcated. It is, therefore, contended that, in the absence of proper demarcation amongst the co-owners, the attachment order could not have been validly enforced and, consequently, the attachment is illegal.

It is further submitted that the attachment of the land has not been effected in accordance with Form 27 prescribed under Section 165 of the B.N.S.S. Learned counsel submits that, since the disputed land is owned by several co-owners, the portion sought to be attached could not have been properly identified without first undertaking the exercise of demarcation amongst the co-owners. However, without undertaking such exercise, the order of attachment has been passed and enforced.

Learned counsel for the petitioner, in reply, submits that the aforesaid contention had also been raised before the revisional court by private respondent no. 5 in Criminal Revision No. 57 of 2026, *Pranav Bhasin Vs. State of U.P. and others*, wherein the revisional court had granted liberty to the respondent to bring the aforesaid fact to the notice of the concerned Magistrate by moving an appropriate application, so that the order of attachment may be executed in accordance with law. He further submits that, in view thereof, the respondent may move an appropriate application before the concerned Sub-Divisional Magistrate, bringing the aforesaid grievance to his notice.

It is apparent from the record that the present petition was filed with the limited prayer for a direction to decide the applications dated 01.07.2026 and 10.08.2026 submitted by the court-appointed receiver in Case No. 3841 of 2025, *Guncha Bhatia and others Vs. Pranav Bhasin and others*.

As disclosed from the affidavits/counter affidavits filed on behalf of respondent nos. 2 and 3, the aforesaid order has ultimately been complied with, though belatedly, on 23.09.2026, and possession of the attached land has been handed over to the receiver, Mamta Devi, respondent no. 7.

In view of the aforesaid facts and circumstances, nothing further remains to be adjudicated in the present writ petition. Accordingly, the writ petition is **disposed of.**

It is, however, open to private respondent nos. 5 and 6 to move an appropriate application before the concerned Sub-Divisional Magistrate, bringing to his notice their grievance that the attached land is jointly owned by several co-owners and has not been properly demarcated and, therefore, that the same could not have been attached without first effecting proper demarcation.

In the event any such application is moved by private respondent nos. 5 and 6 before the concerned Magistrate, the same shall be considered and decided expeditiously, strictly on its own merits, after affording due opportunity of hearing to all the concerned parties, preferably within a period of one month from the date of filing of such application.

**October 8, 2026**
Himanshu

**(Sandeep Jain,J.)**

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