2026:AHC:209325-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 673 of 2026

Rajveer Singh Now Deceased and 3 others

.....Appellant(s)

Versus

Board of Revenue Uttar Pradesh and 4 others

.....Respondent(s)

Counsel for Appellant(s)	:	Devendra Kumar Yadav
Counsel for Respondent(s)	:	Ramanand Pandey (A.C.S.C.)

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal is directed against order dated 23.03.2026 passed in Writ - B No. 25095 of 2012, whereby the writ petition, filed by the appellant, has been dismissed.

2. The writ petition was filed aggrieved of the order of the Board of Revenue passed in Revision filed by the appellant, whereby the order dated 28.08.2006 passed by the Commissioner, Agra Division, Agra in Revision No. 13/2004-05 against appellate order of Sub Divisional Officer, Firozabad, filed by him had been dismissed.

3. The special appeal is apparently barred under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 inasmuch as the same arises out of order passed under Article 227 of the Constitution of India from an order passed in a Revision.

4. A Larger Bench of this court, in case of **Sheet Gupta Vs. State of U.P. and others : AIR 2010 ALL 46 (FB)**, has laid down as under:

> "15. Having given our anxious consideration to the various plea raised by the learned counsel for the parties, we find that from the perusal of Chapter VIII Rule 5 of the Rules a special appeal shall lie before this Court from the judgment passed by one Judge of the Court. However, such special appeal will not lie in the following circumstances:
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> > 1. The judgment passed by one Judge in the exercise of appellate jurisdiction, in respect of a decree or order made by a Court subject to the Superintendence of the Court;
> > 2. the order made by one Judge in the exercise of revisional jurisdiction;
> > 3. the order made by one Judge in the exercise of the power of Superintendence of the High Court;
> > 4. the order made by one Judge in the exercise of criminal jurisdiction;

5. the order made by one Judge in the exercise of jurisdiction conferred by Article 226 or Article 227 of the Constitution of India in respect of any judgment, order or award by

(i) the tribunal,
(ii) Court or
(iii) statutory arbitrator

made or purported to be made in the exercise or purported exercise of jurisdiction under any Uttar Pradesh Act or under any Central Act, with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution of India;

6. the order made by one Judge in the exercise of jurisdiction conferred by Article 226 or 227 of the Constitution of India in respect of any judgment, order or award of

(i) the Government or
(ii) any officer or
(iii) authority,

made or purported to be made in the exercise or purported exercise of appellate or revisional jurisdiction under any such Act, i.e. under any Uttar Pradesh Act or under any Central Act, with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution of India."

5. In view of the above fact situation, the appeal is dismissed as not maintainable.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

October 7, 2026
M.Pal/AKShukla

Digitally signed by :-
MUKESH PAL
High Court of Judicature at Allahabad