2026:AHC:209981

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40368 of 2026

Lal Bihari

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Tiwari
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Ashutosh Tiwari, learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for Gaon Sabha.

2. The instant petition has been filed for the following relief:-

"(a) Issue, a writ, order or direction in the nature of certiorari quashing the impugned order dated 30.07.2021 passed by Tehsildar (Judicial), Tehsil- Sadar, District- Ghazipur/ respondent No. 4 (Annexure No. 4 to the writ petition).
(b) Issue, a writ, order or direction in the nature of mandamus directing the respondents not to interfere in any manner over the land being Arazi No. 121 having area 0.3380 hectare and Arazi No. 105 having area 0.089 hectare situated in Village- Mahmudpur, Pargana, Tehsil and District- Ghazipur.
(c) to issue such other and further appropriate writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

3. Learned counsel for the petitioner submitted that order for eviction and damages passed by the Tehsildar against the petitioner's father in the proceeding under Section 67 of the U.P. Revenue Code, 2006 is illegal and arbitrary. He further submitted that petitioner's father has expired after passing of the order of eviction and damages. He submitted that authorities are threatening to demolish the petitioner's construction, hence the impugned order dated 30th July 2021, passed by the Tehsildar should be set aside.

4. Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents submitted that order impugned is appealable before the appellate court, as such writ petition after more than four years against the order of Tehsildar cannot be entertained.

5. I have considered the argument advanced by the learned counsel for the parties and

perused the record.

6. There is no dispute about the fact that the order of eviction and damages has been passed by the Tehsildar against the petitioner's father in the proceeding under Section 67 of the U.P. Revenue Code, 2006.

7. The order passed by the Tehsildar under Section 67 is appealable under Section 67(5) of the U.P. Revenue Code, 2006, hence the instant petition cannot be entertained.

8. Considering the facts and circumstances of the case, the writ petition is finally disposed of with liberty to petitioner to file appeal under Section 67(5) of the U.P. Revenue Code, 2006 along with the prayer for condonation of delay, which shall be considered by the appellate court in accordance with law.

October 6, 2026
Israr

(Chandra Kumar Rai,J.)

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