2026:AHC:210120

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4329 of 2026

Mohd Yaqub

.....Petitioner(s)

Versus

State Of U.P. And 17 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anuruddh Chaturvedi, Vijay Kant Shukla
Counsel for Respondent(s)	:	C.S.C., Kaushal Kishore Mani

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Supplementary affidavit filed on behalf of petitioner, today in Court, is taken on record.

2. Heard Sri Anuruddh Chaturvedi, learned counsel for the petitioner, learned Standing Counsel for the respondent nos. 1 to 4 and Sri Kaushal Kishore Mani, learned counsel for the respondent no.5.

3. The present writ petition has been filed challenging the order of respondent no.2 dated 24.3.2026, by which Revision No.1248 of 2026 filed by respondent no.6 has been entertained and the effect and operation of the orders under challenge in revision has been stayed.

4. It is contended by learned counsel for the petitioner that no reasons have been recorded in staying the orders of the Deputy District Magistrate and the Additional Commissioner. It has been further contended that in compliance of the order of the Deputy District Magistrate dated 3.2.2025, the demarcation proceeding of Plot No.591 has taken place, therefore, by staying the operation of the order, the pillars already fixed are being removed by the contesting respondents.

5. I have considered the submissions made by learned counsel for the petitioner and perused the record.

6. The order of respondent no.2 dated 24.3.2026 under challenge is an interlocutory order passed during the pendency of the revision issuing notice to the opposite party. The petitioner, who is the contesting respondent in the said revision, is aware about filing of the revision and the interim order

passed in it, as such, instead of approaching this Court, he should have moved a stay vacation application in the revision for setting aside or modifying the order dated 24.3.2026. The argument of learned counsel for the petitioner that the order dated 3.2.2025 has been given effect to is partially correct in view of the report of the Tehsildar dated 10.4.2026 annexed along with the supplementary affidavit, which categorically records that due to pendency of some case in this Court, the demarcation of Plot No.681 could not be completed. However, pillars have been installed at the boundaries of Plot No.591.

7. The proceedings under Section 24 initiated at the instance of petitioner was in respect of Plot Nos.681 and 591. The apprehension of the petitioner that the pillars installed for demarcation of Plot No.591 would be removed by contesting respondents during the pendency of the revision, which may lead to breach of peace on the spot, cannot be ruled out. The averments made in paragraph 24 of the writ petition states that the petitioner has already filed a stay vacation application alongwith counter affidavit on 31.8.2026. However, no date has been fixed on it.

8. In the aforesaid circumstances, the present writ petition is disposed of with direction to the respondent no.2 to list the revision within a period of three weeks from the date of presentation of a certified copy of this order, and after putting the revisionist to notice, the stay vacation application filed by petitioner shall be heard and necessary orders shall be passed within a further period of four weeks, thereafter. If the parties agree, the respondent no.2 shall be free to decide the revision itself within the aforesaid period. As the report of Tehsildar dated 10.4.2026 brought on record alongwith supplementary affidavit shows that the pillars for demarcation of Plot No.591 in question have already been fixed, the parties are directed not to remove the pillars, which have already been installed in compliance of the order of the Deputy District Magistrate dated 3.2.2025 till the final decision in the revision.

October 7, 2026
Anil

(Arun Kumar,J.)

Digitally signed by :-
ANIL KUMAR PATEL
High Court of Judicature at Allahabad