2026:AHC:208615

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4472 of 2026

Bhagwan Das Kushwaha

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Punit Kumar Upadhyay
Counsel for Respondent(s)	:	Anil Kumar Mishra, C.S.C., Vivek Ratan Agrawal

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Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri Puneet Kumar Upadhyay, learned counsel for the petitioner, learned Standing Counsel for respondent nos. 1 and 2, Sri Arnav Dwivedi, holding brief of Sri Vivek Ratan Agrawal, learned counsel for respondent no. 3 and Sri Anil Kumar Mishra, learned counsel for respondent no. 4.

2. Learned counsel for the petitioner shall implead the Board of Revenue, UP at Prayagraj through its Secretary as respondent no. 5 in the array of parties during the course of the day.

3. The present petition has been filed challenging the orders dated 13.08.2026 and 06.10.2025 passed by Board of Revenue, UP at Prayagraj, rejecting the impleadment application filed by the petitioner in Revision No. 2524 of 2021 pending before it and by the subsequent order rejecting the restoration application.

4. It is contended by learned counsel for the petitioner that the Revision No. 2524 of 2021 relates to the property recorded in the name of one Bhanga. The petitioner is son of one of the daughter of Bhanga, therefore he was a necessary party to the proceedings. He had filed an impleadment application for impleading himself as respondent no. 3 in the aforesaid revision, but due to absence of his counsel, the said application was rejected by the order of the respondent no. 5 dated 06.10.2025. The restoration/recall application filed by the petitioner against the order dated 06.10.2025 has been rejected by the order dated 13.08.2026, recording an erroneous finding that the order dated 06.10.2025 was passed in presence of the counsel for the parties deciding the impleadment application on merits, which is contrary to the

records.

5. Per contra, learned counsel appearing for contesting respondent no. 4 has contended that the revision is liable to be dismissed as the impleadment application sought by the petitioner is not sustainable in view of the fact that his mutation application for recording his name in place of Bhanga has been rejected and has attained finality, therefore, he has no subsisting right. Further arguments have also been made on the merits of the claim of the petitioner. However, the learned counsel appearing for contesting respondent no. 4 could not show from the record that the counsel for the petitioner was present at the time when the order dated 06.10.2025 was passed and the said order had decided the impleadment application on merits.

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

7. The order dated 06.10.2025 rejecting the impleadment application categorically records that the counsel for the applicant was not present and on the earlier occasion, he could not establish that the applicant had any right as heir of Bhanga being the relief claimed in the impleadment application. The findings recorded by respondent no. 5 rejecting the restoration application observing that the counsel for the applicant was present when the order dated 06.10.2025 was passed rejecting the impleadment application on merits, is contrary to the records and shows non-application of mind.

8. The arguments raised by learned counsel appearing for contesting respondent no. 4 touches the merit of the claim of the petitioner which has not yet been considered by respondent no. 5 while rejecting the impleadment application. The impleadment application requires fresh determination on merits after due consideration of the objection raised by learned counsel appearing for contesting respondent no. 4 regarding the rights, if any, which persists in favor of the petitioner as heir of Bhanga.

9. In view of the aforesaid discussion, the orders passed by respondent no. 5 dated 13.08.2026 and 06.10.2025 cannot be sustained and, is accordingly set aside.

10. The writ petition is **allowed.**

11. The impleadment application filed by the petitioner in Revision No.

2524 of 2021 is restored to its original number to be decided afresh by respondent no. 5 after granting opportunity of hearing to the concerned parties, within a period of six weeks from the date of production of certified copy of this order.

October 6, 2026
Sartaj

(Arun Kumar,J.)

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