2026:AHC:227748

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44437 of 2026

Sarita

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Brahmsukh Pal, Mani Shanker Pandey
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 4

HON'BLE SUDHANSHU CHAUHAN, J.

1. A preliminary objection has been raised by learned Standing Counsel that the impugned order, having been passed in proceedings under Section 26 of the U.P. Revenue Code, 2006, is amenable to the revisional jurisdiction under Section 27 of the U.P. Revenue Code, 2006.

2. In response to the aforesaid preliminary objection, learned counsel for the petitioner, although does not dispute that the Tehsildar-respondent no. 2 is the competent authority to pass an order under Section 26 of the U.P. Revenue Code, 2006, submits that the impugned order has been passed without jurisdiction. In this regard, he has invited the attention of the Court to the letter dated 18.08.2026, whereby the Tehsildar directed the Revenue Inspector to submit a fresh report. It is further alleged that the impugned order has been passed on the basis of the aforesaid report, which was submitted ex-parte.

3. This Court is of the view that even if the Tehsildar-respondent no. 2 has passed the impugned order dated 19.09.2026 while relying upon an alleged ex-parte report submitted pursuant to the letter dated 18.08.2026, the same would not render the impugned order dated 19.09.2026 without jurisdiction. The pleas so raised by learned counsel for the petitioner can very well be raised in the revisional proceedings under Section 27 of the U.P. Revenue Code, 2006.

4. In support of his submissions, learned counsel for the petitioner has also placed reliance upon the judgments of this Court in ***Avadhesh Kumar & Others Vs. District Magistrate, Lucknow & Others***, passed in **Matters**

Under Article 227 No. 2841 of 2022, and ***Vinod Chandra Vs. State of U.P. through Principal Secretary, Department of Higher Education, Government of U.P., Lucknow & Others***, passed in **Special Appeal No. 10 of 2026**.

5. However, this Court finds that the facts and circumstances of the aforesaid cases are distinguishable from those of the present case and, therefore, the judgments relied upon by learned counsel for the petitioner do not advance his case.

6. In view of the availability of an efficacious alternative statutory remedy of revision under Section 27 of the U.P. Revenue Code, 2006, this Court is not inclined to entertain the present writ petition.

7. Accordingly, the writ petition is **dismissed** on the ground of availability of an alternative statutory remedy, with liberty to the petitioner to avail such appropriate remedy as may be available to him under the law.

November 2, 2026
Gaurav

(Sudhanshu Chauhan,J.)

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