2026:AHC:212544

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 26672 of 2026

Updesh Joshi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Kumar, Vinod Kumar Yadav
Counsel for Respondent(s)	:	Arun Kumar Pandey, C.S.C.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. This Court has passed following order on 29.7.2026:

"1. Counsel for the petitioner is permitted to implead the District Magistrate/ Collector, Rampur as respondent no.5 during the course of the day.

2. Heard Sri Vinod Kumar Yadav, learned counsel for the petitioner, Sri Amresh Kumar Tiwari, learned standing counsel for the state-respondents and Sri Arun Kumar Pandey, learned counsel for the respondent-gaon sabha.

3. Counsel for the petitioner submitted that in pursuance of the remand order passed by the District Magistrate, the Tehsildar has again decided the proceeding under Section 67 of the U.P. Revenue Code, 2006, without notice/opportunity to the petitioner. He submitted that since the matter was remanded by the District Magistrate in appeal to the Tehsildar, as such, alternative remedy of appeal, has not been availed by the petitioner as no notice/opportunity was afforded to the petitioner by the Tehsildar.

4. Learned standing counsel submitted that the alternative remedy of appeal under Section 67(5) of the U.P. Revenue Code, 2006 is provided against the order of the Tehsildar, as such, the writ petition cannot be entertained.

5. Considering the entire facts and circumstances of the case, petitioner is directed to file appeal under Section 67(5) of the U.P. Revenue Code, 2006 along with prayer for condonation of delay within a period of 10 days from today before respondent no.5/District Magistrate/ Collector, District Rampur. The respondent no.5/ District Magistrate, Rampur/ Collector Rampur shall consider the delay condonation matter 1st and pass appropriate order, taking a liberal view as the delay is not an inordinate, within a period of 2 weeks from the date of filing of the appeal along with prayer for condonation of delay.

6. Registrar (Compliance) is directed to communicate this order to the respondent no.5/ District Magistrate/ Collector Rampur within 4 days.

7. Put up this matter as fresh on 21.8.2026. "

2. None present on behalf of petitioner. Sri Shailesh Srivastava, learned Standing Counsel is present.

3. It is not on record as to whether in pursuance of aforesaid order petitioner has filed any appeal or not.

4. In the aforesaid circumstances, there is no justification to keep this writ petition pending and it is accordingly disposed of in terms of aforesaid order.

(Saurabh Shyam Shamshery,J.)

October 9, 2026
SB

Digitally signed by :-
SANDEEP BHATTACHARYA
High Court of Judicature at Allahabad