2026:AHC:54910

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 1104 of 2026

Vijay Shankar Yadav

.....Petitioner(s)

Versus

Board Of Revenue And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dhiraj Singh, Saurabh Pandey
Counsel for Respondent(s)	:	C.S.C., Krishna Kant Singh

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Saurabh Pandey, learned counsel for the petitioner, Sri Krishna Kant Singh, learned counsel for private respondent nos. 4 & 5 and Sri Hari Mohan Srivastava, learned Addl. C.S.C. for the state-respondents.

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

> **"A. Issue a writ, order or direction in the nature of certiorari, quashing the impugned order dated 18.2.2026 passed by the Board of Revenue, U.P. at Prayagraj/respondent no.1 in Second Appeal No.AL2026052000242 (Vijay Shankar Yadav vs. Additional Commissioner, Administration, 3rd, Gorakhpur)**
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> **B. Issue a writ, order or direction in the nature of mandamus, directing both the parties to maintain status quo till the disposal of stay application before respondent no.1.**

3. Counsel for the petitioner states that second appeal filed on behalf of the petitioner along with stay application, arising out of the suit under Section 116 of the U.P. Revenue Code, 2006, is pending before the Board of Revenue. He submitted that notice has been issued to the other side but no interim protection has been granted in the matter. He also submitted that during pendency of the appeal before the Commissioner, interim order was granted, as such, the Board of Revenue be directed to decide the pending second appeal in accordance with law and till the pendency of the second appeal,

status quo is directed to be maintained by the parties.

4. Sri Krishna Kant Singh, learned counsel for respondent nos. 4 & 5 submitted that second appeal has not been admitted till date, as such, no interim order can be granted in the second appeal. He submitted that interim protection which was granted in appeal before the Commissioner, was vacated and appeal was ultimately dismissed, as such, petitioner is not entitled to any interim protection.

5. In reply counsel for the petitioner submitted that interim order which was granted in appeal before the Commissioner, was not vacated during pendency of appeal rather the same was vacated at the time of the dismissal of the appeal.

6. I have considered the arguments advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that second appeal along with an application for interim relief, filed by the petitioner is pending before the Board of Revenue.

8. The record demonstrates that second appeal has not been admitted till date and notice has been issued to the opposite parties. The record further demonstrates that 25.3.2026 is the date fixed for disposal of the second appeal.

9. Considering the entire facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.1/Board of Revenue, U.P. at Prayagraj to pass appropriate orders on the admission of the second appeal, preferably on the next date fixed, i.e., 25.3.2026. It is further directed that after passing appropriate orders on the admission of the second appeal, the prayer for interim relief shall be considered, in accordance with law.

March 18, 2026
C.Prakash

(Chandra Kumar Rai,J.)