

Court No. - 49

Case :- WRIT - B No. - 1379 of 2025

Petitioner :- Dalbir And 3 Others

Respondent :- Board Of Revenue Prayagraj And 18 Others

Counsel for Petitioner :- Atipriya Gautam, Ishir Sripat, Sr.
Advocate

Counsel for Respondent :- C.S.C., Rakesh Kumar Yadav, Sunil
Kumar Singh

Hon'ble J.J. Munir, J.

Pending admission issue notice.

Notice on behalf of respondent nos. 1 to 5 is accepted by Mr. Sanjay Kumar Ray, learned Standing Counsel. Notice on behalf of respondent no. 6 is accepted by Mr. Sunil Kumar Singh, Advocate. Mr. Kartikeya Saran, Advocate accepts notice on behalf of respondent nos. 7, 8, 9 and 10.

All the learned counsel for the respondents are granted two weeks time to file a counter affidavit.

Steps to serve respondent nos. 11 to 19 shall be taken by RPAD within three days.

It is argued by Mr. R.C. Singh, learned Senior Advocate assisted by Mr. Ishir Sripat, learned counsel for the petitioner that the mutation application in this case, which was granted by the Tehsildar and the mutation set aside in appeal by the Sub Divisional Officer, was filed 49 years after the sale deed dated 27.06.1968 was executed in order to give effect to the rights acquired through the sale deed. In addition, there is a question of the validity of the sale deed involved which in turn involves complicated questions of law and fact which a mutation authority is not competent to go into it. These could have been suited on the

regular side alone by a Court of competent jurisdiction. In addition, Mr. R.C. Singh, learned Senior Advocate submits that a declaratory suit under Section 229B was filed by respondent nos. 7 to 10 which ultimately failed.

These issues will have to be considered after parties put in pleadings.

List for **admission** on **01.05.2025** along with a report regarding service together with the postal track attached.

Till the next date of listing, further proceedings before the Sub Divisional Magistrate, Tehsil Sikandarabad, District Bulandshahar pursuant to the impugned order of remand dated 02.04.2025 passed in Revision No. 228 of 2023 by the Board of Revenue shall remain **stayed**. It is ordered that none of the parties shall alienate the land in dispute in favour of any third party or encumber it, until further orders.

Let this order be communicated to the Sub Divisional Magistrate, Tehsil Sikandarabad, District Bulandshahar through the Chief Judicial Magistrate, Bulandshahar by the Registrar (Compliance) within **24 hours**.

Order Date :- 15.4.2025

Brijesh Maurya