

Court No. - 49

Case :- WRIT - B No. - 2702 of 2025

Petitioner :- Dhananjay

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Ashok Kumar

Counsel for Respondent :- Bhupendra Kumar

Tripathi, C.S.C., Gyanendra Pratap Singh

Hon'ble J.J. Munir, J.

Prima facie there is an issue about maintainability as to how against the judgement and decree passed the Sub Divisional Officer, Jakhaniya, District Ghazipur, could the petitioner, who is a defendant to Suit No. 02922 of 2018 for division of holdings under Section 116 of the U.P. Revenue Code, 2006, prefer a revision when the preliminary decree dated 20.02.2021 passed by the Sub Divisional Officer, is appealable under Section 207 of the said Code read with the third schedule. But the more important question, why we are inclined to entertain this petition is that the judgment of the Trial Court, who is the Sub Divisional Officer, is hardly a judgement conforming to the requirements of a valid judgment in a contested suit. A perusal of the judgement passed by the Sub Divisional Officer shows it to be written like an administrative order without setting forth pleadings for parties, framing issues, giving reasons for the decision of those issues, on the basis of evidence led by parties.

Prima facie, it is a matter of no surprise that an untrained and lay Court would write a judgement in a title suit like an administrative order but, the fact that the Court was presided over by a lay officer is no ground to uphold it. Notwithstanding the alternative remedy of a regular appeal to the Commissioner of the Division under Section 207, we are minded to entertain the petition looking to the manifest and gross illegality vitiating the Trial Court's judgement

which is *prima facie* no judgement at all.

Admit.

Issue notice.

Notice on behalf of respondent nos. 1,2 and 3 is accepted by Mr. Sanjay Kumar Ray, learned Standing Counsel and that on behalf of respondent no. 8 by Mr. Bhupendra Kumar Tripathi, Advocate. Mr. Gyanendra Pratap Singh, Advocate accepts notice on behalf of respondent no. 6. All the learned counsel for the respondents are granted two weeks time to file a counter affidavit.

Steps to serve respondent nos. 4/1, 4/2, 5, 7 and 9 shall be taken by RPAD within three days.

List for **orders** on **06.08.2025** along with a report regarding service and the postal track attached. The office shall also put in a report regarding status of pleadings.

Until further orders of this Court, operation of the impugned order dated 10.06.2025 passed by the Board of Revenue and the decree dated 20.02.2021 passed by the Sub Divisional Magistrate, Jakhaniya, District Ghazipur in Suit No. 02922 of 2018, Yashwant and others vs. Balwant and others shall remain **suspended**.

Let this order be communicated to the Member concerned, Board of Revenue, U.P. at Prayagraj through the Registrar of the Board and the Sub Divisional Magistrate, Jakhaniya, District Ghazipur through the learned Chief Judicial Magistrate, Ghazipur by the Registrar (Compliance) within **24 hours**.

Order Date :- 21.7.2025
Brijesh Maurya