



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 3417 of 2025

Motilal And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pankaj Tripathi, Sanjay Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 49

HON'BLE J.J. MUNIR, J.

The petitioner, who is a defendant to the partition suit, is aggrieved by the final decree, drawing lots. The submission is that the Sub Divisional Officer has not drawn lots according to the existing possession of parties, the land being ancestral, and, the petitioner has been placed away from the road. Respondent No. 4 has been placed by the roadside. The Amin's proposal, despite objection, has been confirmed. The Commissioner in revision, preferred by the petitioner, remanded the matter to the Trial Court but the Board of Revenue heard a revision preferred by the other side from the order of remand passed by the Commissioner and by the impugned order dated 03.06.2025 passed in Revision No. 1441/2017/Mahoba has allowed it and restored the Sub Divisional Officer's decree regarding draw of lots.

Prima facie, the lots determined are against settled principles.

Issue notice.

Notice on behalf of respondent nos. 1,2 and 3 is accepted by Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel. He is granted two weeks time to file a counter affidavit.

Steps to serve respondent no.4 shall be taken by RPAD within three days.

List for **admission** on **12.09.2025** 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, possession, pursuant to the impugned order dated 03.06.2025 passed by the Board of Revenue and the order dated 29.07.2016 passed by the Additional Collector, Mahoba shall not be delivered and further proceedings in execution shall remain **stayed**.

Let this order be communicated to the Additional Collector, Mahoba through the learned Chief Judicial Magistrate, Mahoba by the Registrar (Compliance) within **24 hours**.

(J.J. Munir,J.)

August 28, 2025

Brijesh Maurya