

Court No. - 34

Case :- WRIT - C No. - 4811 of 2025

Petitioner :- Rakesh And 3 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Agnivesh,Jadu Nandan Yadav

Counsel for Respondent :- C.S.C.,Hari Narayan Singh

Hon'ble Rohit Ranjan Agarwal,J.

1. Learned counsel for the petitioners and learned Standing Counsel for the State are present.
2. It is contended that the petitioners were granted lease in the year 2013 after the resolution was passed by the Land Management Committee, which was approved on 12.04.2023. Cancellation proceedings were initiated in the year 2018 after a letter was sent by one Sanjiv Kumar, a practicing advocate at Farrukhabad to the Deputy Chief Minister of the State. A copy of the said letter has been appended as Annexure 3 to the writ petition. It is on this letter that the proceedings of cancellation under Section 128 of the U.P. Revenue Code, 2006 (*hereinafter called as "the Code"*) was initiated for cancelling the lease granted to the petitioners. The lease was cancelled against which revision was preferred which was partly allowed and the matter was remitted back for reconsideration. Post reconsideration, the lease has been cancelled after which a revision was filed which has also been dismissed.
3. Sri Jadu Nandan Yadav, learned counsel for the petitioners submits that the application has been moved by the practicing advocate and that is before the Deputy Chief Minister of the State. According to him, the said application was not maintainable as it was not moved in accordance with Section 128 of the Code.
4. Learned Standing Counsel has opposed the writ petition and defended the order passed by the revenue authorities.
5. I have heard the respective counsel for the parties and perused the material on record.
6. It is a case where no proper proceedings were initiated under Section 128 of the Code and merely on a letter addressed by a practitioner advocate to the Deputy Chief Minister of the State that proceeding for cancellation of lease was initiated and the lease was cancelled.

7. This Court is surprised to know that how a valid lease granted in favour of the petitioners has been cancelled solely on the letter of an advocate addressed to the Deputy Chief Minister of the State.

8. From perusal of the orders impugned, I find that the said orders have been passed by the revenue authorities transgressing their inherent powers. No proper proceedings under Section 128 of the Code was initiated.

9. Considering the facts and circumstances of the case, the orders dated 07.01.2025 and 20.10.2024 are hereby quashed. The writ petition stands allowed. The lease granted in favour of the petitioners is restored forthwith.

Order Date :- 28.7.2025

Kushal