



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 7866 of 2025

Krishna Vati And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Lko. And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Nimit Srivastava, Aakchad Nath,
Kshitij Gupta

Counsel for Opposite Party(s) : G.A.

Court No. - 14

HON'BLE SHREE PRAKASH SINGH, J.

1. Prior to deal with this matter, this Court has observed since morning that in more than ten petitions/ applications, reddish colour saliva is used for turning over the pages of the paper book, before placing it to this Court. Possibility of using it at certain level, like the stage of filing of paper book/ petitions/ applications, either by the Clerk, Oath Commissioner or the Officers/ Officials, who are dealing with the matter in the Registry and in the Office of G.A. and C.S.C. This is an highly unhygienic situation, which is not only disgusting and condemnable, but at the same time it shows the lack of basic civic sense.

2. The anxiety of this Court that if such kind of filthy practice is not restrained, the same will create cause of any sorts of infection to the persons, who would come into the contact with such papers, therefore, this is not tolerable at any cost.

3. To prevent such practice, the Senior Registrar and the In-charge Registry including the Officials deployed therewith are directed to ensure that while filing the paper book/ petitions/ applications, this shall be carefully examined and ensured that no paper having such SALIVA SPOT of any kind be entertained or accepted by the Registry.

4. The Government Advocate and Chief Standing Counsel are also directed to ensure the above said direction, while issuing written directions for restraining such practice, at their Office.

5. Heard learned counsel for the applicants, learned A.G.A. for the State and the material placed on record.

6. Instant application under Section 482 Cr.P.C./ 528 B.N.S.S. has been filed with the following relief:-

"Wherefore, for the facts, reasons, and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the impugned order dated 06.03.2025 passed by the Learned Additional Sessions Judge-IV, Bahraich in Criminal Revision No. 110/2023, (as contained in Annexure No. 1) qua the applicants, as the said order has been passed in an arbitrary and mechanical manner without sufficient service of summons or notice upon the applicants, thereby rendering it manifestly unjust and against the principles of natural justice.

It is further prayed that this Hon'ble Court may kindly be pleased to quash the impugned order dated 20.12.2022 passed by the Sub-Divisional Magistrate, Devipatan Mandal, Mahsi, Bahraich in Case No. 08641/2016 (In Re: Smt. Kalyani Devi v. Munas Kumar @Munish Kumar and Other) (as contained in Annexure No. 2) qua the applicants, as the same has been passed without impleading or affording any opportunity of hearing to the applicants, who are the legitimate and recorded owners of their respective shares of land situated on Gata No. 171, Village Pipariya, Police Station Khairighat, District Bahraich.

It is further prayed that this Hon'ble Court may kindly be pleased to restore the lawful status of the applicants by directing recognition of their continuous, peaceful, and lawful possession over their respective portions of the land situated on Gata No. 171, Village Pipariya, Police Station Khairighat, District Bahraich, which stand duly supported by registered sale deeds and subsequent mutation entries in the revenue records in favour of the applicants."

7. Briefly stated fact are that an application under Section 145 of Cr.P.C. was instituted by the opposite party nos.3 to 5, whereafter, the Sub-Divisional Magistrate passed an order on 20.12.2022 and attached the

property under Section 146 of Cr.P.C. Once this fact came into the knowledge of the applicants, they moved an application for recall of the said order, on the ground that while concealing the material facts that the applicants are the recorded tenure holder of the land in question, the order has been obtained by the opposite party nos.3 to 5 and considering the same, the Sub-Divisional Magistrate passed the order on 11.05.2023 and recalled the order dated 20.12.2022. After the aforesaid order was passed, the same was challenged by the opposite party nos.3 to 5 before the revisional court, in Revision No.110 of 2023, wherein the orders were passed on 06.03.2025 and the revisional court set aside the order dated 11.05.2023 and remitted the matter back to the trial court concerned to decide, after hearing the parties.

8. Contention put forth by the learned counsel for the applicants that, in fact, the opposite party nos.3 to 5 did not arrayed the present applicants as a party in the application, filed under Section 145(1) of Cr.P.C., though they are the recorded tenure holder of the land in question and, in fact, they are the person aggrieved. He also submitted that there is no perversity or any illegality in the order dated 11.05.2023, passed by the Sub-Divisional Magistrate, as an exhaustive and reasoned order has been passed.

9. He argued that the revisional court, while remitting the matter back, has directed to decide the matter on the merits and nothing has been said on the facts that whether the application for recall, which has been filed by the applicants, would be redressed or not. He submits that, in fact, the revisional court has ignored the fact that the applicants are the recorded tenure holder and, if the land is attached or any order is passed adversely, the same would affect the very interest of the applicants.

10. Concluding his arguments, he submits that the order of the revisional court is not only perverse but against the settled proposition of law and, therefore, the same may be set aside.

11. Learned A.G.A. appearing for the State, though, has opposed the matter but he could not refute the contention of learned counsel for the applicants regarding non-consideration of the grievance of the applicants

by the revisional court.

12. Considering the submission of learned counsel for the parties, it borne out that the applicants are the recorded tenure holders of the land in question, for which an application under Section 145(1) of Cr.P.C. was moved by the opposite party nos.3 to 5, wherein the Sub-Divisional Magistrate initially passed the order on 20.12.2022 and as soon as this fact came to the knowledge of the applicants, as per the contentions of learned counsel for the applicants, they moved to the court of the Sub-Divisional Magistrate and filed an application on the ground that concealing the material facts, the order has been obtained by the opposite party nos.3 to 5.

13. This Court has also noticed the fact that the revisional court has not given it's finding regarding the status of the recall application. Thus, prima facie, the matter requires consideration.

14. Let notice be issued to opposite party nos.3 to 5, returnable at an early date.

15. Steps be taken within a week.

16. List/put up this matter in the **week commencing 27.10.2025.**

17. In the meantime, opposite parties may file their counter affidavit/objections.

18. Till the next date of listing, the orders impugned dated 20.12.2022 passed by Sub-Divisional-Magistrate & order dated 06.03.2025 passed by the revisional court, shall remain stayed.

(Shree Prakash Singh,J.)

September 22, 2025

Mohd. Sharif