



**Reserved**

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - B No. - 1332 of 2025**

Tribhawan Goyal

.....Petitioner

Versus

State of U.P. and others

.....Respondents

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Counsel for Petitioner	: Prem Sagar Verma, Tripathi B.G. Bhai
Counsel for Respondents	: Anupam Kulshreshtha, C.S.C., Devesh Kumar Sharma

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**In Chamber**

**HON'BLE J.J. MUNIR, J.**

1. This petition is directed against an order of interim stay and interim injunction dated 25.03.2025 passed by the Board of Revenue, U.P. at Prayagraj in Revision No.1039/2025/ Mathura. A short counter affidavit has been filed on behalf of respondent No.3, taking a plea that this petition is not maintainable.

2. We do not propose to decide that objection for the present. The reason is that when this matter was taken up on 22.04.2025, elaborate submissions were advanced before us on the point of widespread caveat mismanagement said to be rife in the Board of Revenue at Prayagraj, Lucknow and the two Circuit Benches of the Board at Agra and Meerut.

3. The revisionist before the Board, upon whose motion the revision was admitted to hearing and an interim stay and injunction granted by the impugned order, was Ashok Kumar, respondent No.5. The complaint was that without serving the petitioner with a notice of the revision, despite a caveat being entered, the motion to admit the revision to hearing was heard,

the revision admitted and interim orders granted. We, accordingly, summoned respondent No.5, Ashok Kumar and learned Counsel appearing on his behalf before the Board of Revenue, Mr. Santosh Kumar Tiwari and Mr. Manish Pandey, Advocates in person to ascertain facts. In the affidavit that was filed by Mr. Santosh Kumar Tiwari, Advocate, it is averred in paragraph Nos.3 to 16 as follows:

"3. That this Hon'ble Court passed an order inter alia dated 10.04.2025 calling upon the deponent to appear before this Hon'ble Court on 22.04.2025 at 2.00 P.M. The true copy of the order dated 10.04.2025 is being annexed herewith and is marked as **ANNEXURE NO.-1** to this affidavit.

4. That it is submitted here that the revision was filed by Ashok Kumar son of Ramhari Lal, one of the respondent no.5 in the writ petition, against the order dated 21.02.2025 passed by the Tehsildar, Sadar, District Mathura in Case No. 879 of 2020 (Computerized Case No. T202001500100879); Keshav Dev Kedia Vs. Lalaram, before the Board of Revenue, U.P. at Prayagraj, which was registered as Revision No. 1039 of 2025 (Computerized Case No. AL20250150001039); Ashok Kumar Vs. Keshav Dev Kedia (Deceased) & others. The revision was filed on 19.03.2025 in the registry of the Board of Revenue U.P. at Prayagraj, which was uploaded on the website on 21.03.2025.

5. That the procedure of filing in the Board of Revenue U.P. at Prayagraj is that when memo of appeal or revision, as the case may be, is filed in the registry and there is no procedure of reporting similar to that of Hon'ble High Court. In the Hon'ble High Court, if the caveat is reported then the petition is returned to the presenting counsel, for service to the caveator counsel. But in the Board of Revenue U.P. at Prayagraj, the caveat is marked by the registry on the memo and then the file is sent to the concerned divisional clerk without giving any intimation to the counsel of the appellant or revisionist, as the case may be, about the caveat and as such the counsel has no occasion to have the knowledge of the caveat. The divisional Clerk makes endorsement on the margin of the order sheet about the caveat. But again no intimation or information is given to the counsel about the caveat. The divisional Clerk mark the caveat just a day before sending the file in the court and as such at this stage there is no occasion for the counsels to get the knowledge of the caveat.

6. That normally the counsel of the revisionist or appellant, as the case may be, get the knowledge of the caveat for the first time, when the matter is presented before the court on the date fixed and thereafter, the court asks the counsel of the appellant or revisionist to serve the copy of the memo of appeal or revision

along with the stay application, as the case may be, to the counsel for the caveator and fix the date.

7. That in the matter in hand the date was fixed as 25.03.2025 and the caveat of Mr. Sunil Kumar Awasthi, Advocate Collectorate, Lucknow was reported, and whose name was also shown in the cause list dated 25.03.2025 of the concern court as caveator counsel. The Photostat copy of the relevant page of the cause list dated 25.03.2025 is annexed herewith and is being marked as **ANNEXURE-2** to this affidavit.

8. That the deponent's clerk after perusing the cause list dated 25.03.2025 on his mobile and found the case was listed at serial no. 20 and the name of Shri Sunil Kumar, Advocate is printed as caveator's counsel. He informed the deponent about the caveats. The deponent, being counsel of the revisionist, sent the memo of revision along with stay application and all documents to Shri Sunil Awasthi, Advocate by post on 24.03.2024 on safer side at about 5.00 p.m. Since, Shri Sunil Kumar Advocate appears in Board of Revenue U.P. at Prayagraj regularly and the deponent knows his address hence, the registered letter was sent by the clerk of the deponent on the instructions of the deponent.

9. That the normal practice of the Board of Revenue U.P. at Prayagraj is that the caveat is marked of those counsels who file the caveat application in the Board of Revenue U.P. at Prayagraj. It appears that the divisional Clerk marked the caveat of Mr. Sunil Kumar, Advocate from the endorsement of registry and for the reason that his caveat application was uploaded first.

10. That the deponent, when the case was taken up on 25.03.2025 by the court, informed that there is a caveat and he has already given the information by registered post. Thereafter, the Board of Revenue heard the deponent on admission and stay application and file was reserved for orders. Thereafter, passed the order on 25.03.2025 admitting the revision and also passed stay order staying the effect and operation of the order impugned in the revision.

11. That so far as the allegation in the writ petition that, on 25.03.2025, the advocates of Bar Association, Board of Revenue, Prayagraj were abstained from judicial work is concerned, it is submitted that there was two resolutions passed by the Bar Association, Board of Revenue, U.P. Prayagraj; one is regarding condolence of Mr. Sudharshan Prasad, Advocate and another resolution regarding abstaining from work.

12. That both the resolutions were placed before the court about 10.45 a.m. and by that time the Hon'ble Court had already heard the matter and reserved the case for orders. The Hon'ble court rises immediately as soon as the resolution of condolence was received to attend the condolence meeting.

13. That at about 11.15 A.M. the condolence meeting was held in the court of Shri Sahab Singh, Member, Board of Revenue, (who is a senior most Member posted at present in the Board of Revenue) and in the said condolence meeting all the Members of the Board of Revenue, U.P.

at Prayagraj were present including Shri. N. K. Pandey IAS, Judicial Member, and the counsels, after the meeting the courts did not sit on that day. The copy of resolutions of the Bar Association, Board of Revenue, U.P. Prayagraj dated 25.03.2025 regarding condolence is being annexed herewith and is marked as **ANNEXURE NO.-3** to this affidavit.

14. That it is submitted here that the resolution appended at page 98 of the paper book of the writ petition was acted upon but after condolence meeting held at 11.15 A.M.

15. That the deponent is filing this affidavit explaining his position. He has all regards and respect to all courts and he did nothing, which is contrary to the duties of a counsel which is to be performed by counsel.

16. That so far as the caveat of Mr. Pradumna Kumar, Advocate is concerned the same was not reported by the divisional Clerk and there is no marking on the memo of revision either by the divisional Clerk or by the registry of the Board of Revenue, U.P. at Prayagraj to the best of the knowledge of the deponent and; in as much as such his name was not printed in the cause list of the concerned court dated 25.03.2025. There was no occasion for the deponent to know about the filing of caveat on behalf of the petitioner by Mr. Pradumna Kumar, Advocate."

**4.** We have heard learned Counsel for the parties on the issue of caveat management in the office of the Board of Revenue, be it at Prayagraj or Lucknow or the Two Circuit Benches. The procedure for marking a caveat appears to be faulty, in that that, after a caveat is entered, there is no procedure for marking the caveat while a memo of appeal, revision or other proceedings instituted before the Board are initially scrutinized. After a particular case is instituted in the office of the Board of Revenue, a caveat, if entered in the proceedings, is marked and papers sent to the concerned Divisional Clerk without intimation being given to the learned Counsel or the party instituting the case, whether a revision, appeal or other proceedings. The Divisional Clerk then makes an endorsement on the margin of the order-sheet a day before papers are sent up in Court for motion hearing.

**5.** The stand taken is that normally the Counsel for the party instituting the case gets to know of the caveat for the first time when the matter is presented in Court. The aforesaid position may

not be entirely true as the party, lodging the caveat, would certainly be required to serve a notice through registered post upon the party likely to proceed before the Board. Nevertheless, it often happens that notices of caveat sent by registered post remain unserved and returned to the learned Counsel's office lodging the caveat. Thereafter, care is never taken to ensure service of notice of caveat. To require learned Counsel to ensure service by registered post of the notice of caveat, if for some reason, it remains unserved, may be a tall order.

6. What appears to ail the procedure in the Board regulating caveats is that once a caveat is marked, the rules or practice, whatever these are, in force or prevalent in the Board of Revenue, do not require the papers of the proceedings to be returned to learned Counsel and secure an endorsement from the learned Counsel for the caveator regarding service. If the Counsel is outstation and notice has to be served upon him at another station, a minimum of a week's time has to be provided between dispatch by registered post of papers relating to proceedings to be instituted before the Board and the day when the matter is taken up for motion hearing/ admission, and/ or orders on the interim matters. Also, given the fact that some matters may indeed be urgent, where the delay of one week may be destructive of the rights of the party applying, the learned Counsel for the caveator must be required to furnish his e-mail address, besides his mobile phone number, including a WhatsApp number, if available, to convey urgent information to him. If urgent information is conveyed through e-mail, mobile messaging, WhatsApp or conventional methods, proof thereof in the form of a screenshot, printed on paper, must be appended with the papers of proceedings to be instituted in Court, and, certainly, before they are taken up for admission/ orders on the stay matter.

7. We are of opinion that in order to avoid many a possible hassle, an outstation Counsel, appearing in the matter, may be required by the Board to have a counterpart of his, resident at the station where the Bench of the Board is located, that is to say, the Bench where the caveat is lodged. Alternatively, apart from other particulars, such as e-mail, a WhatsApp mobile number, the learned Counsel, when lodging a caveat, who comes from outstation, must be required to furnish an e-mail address, declaring that on the said address, he can be heard through videoconferencing on facilities to be specified by the Board, such as Cisco Webex, Google Meet or NIC's Bharat VC, etc., whichever may be available to the Board, where the caveat is lodged.

8. These are matters, which the Board of Revenue would have to consider, and, may be, do some necessary amendment to their rules or practice. But, it has to be ensured to bear a minimum level of fairness, that learned Counsel for the caveator is served in some effective manner before the proceedings, whatever these might be, are registered by the Board, numbered and taken up for motion hearing/ orders on the interim matter. At the same time, the learned Counsel for the caveators, who lodged a caveat from outstation, also bear the added responsibility of staying in touch with the office of the Board, for which the Board's website may make provision regarding daily updation of status, relating to fresh proceedings instituted before the Board.

9. Let the Chairman, Board of Revenue along with Members of the Board take necessary step in the matter. It is made clear that this order issues broad guidelines, that may be implemented by the Board in such manner of detail, as found advisable according to existing rules in force in the Board regulating their judicial business, and the available infrastructure. The rules, if require amendment, may also be considered by the Board or the State Government, as the case may be.

**10.** The matter, that was raised before us relating to the problem of caveat management in the office of the Board of Revenue, is **disposed of** in terms of the aforesaid orders.

**11.** Let the writ petition be laid as fresh before the Bench holding roaster.

**12.** Let this order be communicated to the Chairman, Board of Revenue, U.P. at Lucknow, the Registrar, Board of Revenue, U.P. at Prayagraj and the Secretary Revenue, Government of Uttar Pradesh, Lucknow by the Registrar (Compliance).

**(J.J. Munir,J.)**

**October 06, 2025**

Anoop