



2026:AHC:171150-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23965 of 2026

Sharda Prasad and 2 others

.....Petitioner(s)

Versus

State of U.P. and 7 others

.....Respondent(s)

Along with :

1. Writ - C No. 71557 of 2010:
Bhondawa

Versus

State of U.P. and others

Counsel for Petitioner(s)	:	Jaya Tiwari, Ramesh Rai, Sudhir Kumar Chandraul
Counsel for Respondent(s)	:	Rajiv Dwivedi, Anuj Kumar, B.p.panday, C.S.C., Jaya Tiwari, Rajesh Mishra

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE GARIMA PRASHAD, J.

Re: Civil Misc. Substitution Application filed in Writ - C No.- 71557 of 2010

Substitution application is allowed.

Let the heirs of Bhondawa be brought on record.

Learned counsel for the petitioner is directed to substitute the natural heirs and legal representatives of Bhondawa today itself.

Order on Petition

Heard Ms. Jaya Tiwari, learned counsel for the petitioner and Sri Rajiv Dwivedi, learned counsel for the respondents.

Both these petitions relate to only one controversy as to whether petitioners Sharda Prasad s/o Satanwa, Bhullu s/o Dayaram and

Jageshwar s/o Dayaram are entitled to cultivate the land while Bhondawa s/o late Adharwa and now his heirs are contesting the declaratory suit filed under Section 229-B of the erstwhile U.P.Z.A. & L.R. Act, pursuant to the order of remand dated 22nd July, 2010 passed by the Additional Commissioner-I, Chitrakoot, Division Banda in Revision No.- 245/195 of 2009-10.

Briefly stated facts of the case are that a suit was filed by petitioners of Writ - C No.- 23965 of 2026 claiming title *qua* in relation to the agricultural land of Plot No.- 7/2 bearing 12 biswa, Plot No.- 8 bearing 4 biswa, Plot No.- 27/2 bearing 1 bigha, plot No.- 28/1 bearing 12 biswa, plot No.- 29 bearing 1 bigha 18 biswa and plot No.- 32 bearing 5 bigha 4 biswa totaling 6 plots with an area 9 bigha 10 biswa/ 1.707 hectares. Dayaram and Sharda Prashad now stand represented by heirs of Dayaram and Sharda Prashad, who are respondents in Writ Petition No.- 71557 of 2010 filed by Bhondawa. Petitioners of Writ - C No.- 23965 of 2026 have been successful in getting declaratory decree from the Court of first instance i.e. Sub Divisional Magistrate vide judgment and order dated 30th July, 2003. Against which review was filed which stood dismissed vide order dated 23rd May, 2007 and 7th December, 2009. Upon a revision being filed before the Additional Commissioner, Chitrakoot Division Banda bearing No.- 245/195 of 2009-10 came to be allowed vide order dated 22nd July, 2010 by setting aside the orders passed by the trial court and remitting the matter for decision afresh.

The said order came to be challenged by late Dayaram and Sharda Prashad before Board of Revenue and Board of Revenue set aside the order of remand by judgment and order dated 20th August, 2010 against which writ petition being Writ Petition No.- 71557 of 2010 came to be filed in which an interim order was passed to the effect that effect and operation of the order dated 20th August, 2010, remand order, shall remain stayed. With the stay order over and above the order of Board of Revenue dated 20th August, 2010 the remand order passed by the Additional Commissioner stood revived and thus the matter of trial resumed at the level of Sub Divisional Magistrate. However during the pendency of this petition the village in question stood notified under Section 4 of the U.P. Consolidation of Holdings Act, 1953 and, therefore,

in view of the mandate contained under Section 5, the proceedings pending in any other court including the High Court in respect of the land in question stands abated.

It has been argued by learned counsel for the petitioner that respondents Bhondawa's heirs have already instituted an objection under Section 9-A of Consolidation of Holdings Act, 1953 disputing the basic heir entry and therefore, unless and until the objection is decided in his favour Bhondawa cannot object the petitioner in carrying out agricultural activities *qua* the agricultural holdings upon which the present petitioners stands recorded.

Upon a pointed query being made learned counsel for the respondent could not dispute the legal effect of Section 4 read with Section 5 of U.P. Consolidation of Holdings Act, 1953 regarding abatement of the pending proceedings in any court of law in the event land falls in the village which has stood notified under Section 4 for the consolidation of holding purposes. This is also not disputed by learned counsel for the respondents that petitioners Rajendra Prasad and heirs of late Dayaram continued to be recorded and their names have also been shown as recorded in the basic heir khatauni of consolidation.

In the circumstances, therefore, we hold that the entire proceedings pending before the Sub Divisional Magistrate in suit instituted under Section 229-A of erstwhile U.P.Z.A. & L.R. Act stood abated and so consequently we dismiss the writ petition filed before this Court arising out of those proceedings bearing Writ - C No.- 71557 of 2010 and interim order, if any, stands discharged.

In so far as the writ petition No.- 23965 of 2026 is concerned, we dispose of the petition with a direction to the Consolidation Officer to dispose of the matter pending consideration under Section 9-A of U.P. Consolidation of Holdings Act, 1953 in accordance with law and as per the procedure prescribed for under the U.P. Consolidation of Holdings Act, 1953 read with U.P. Consolidation of Holdings Rule, 1954 and the consolidation manual.

Parties shall have their appropriate remedy before higher forum against

the order passed by the consolidation officer under Section 9-A. However, until the proceedings are concluded by the consolidation officer, we direct that the recorded tenure holder having basic year entry will be permitted to do agricultural activity upon the land referred to herein above. The continuance regarding agricultural rights upon the land in question and claim of title by the respective parties will depend upon the final order to be passed by the consolidation officer, subject of course, to order passed in appeal or revision as per scheme of Consolidation of Holdings Act, 1953.

(Garima Prashad,J.) (Ajit Kumar,J.)

August 12, 2026
Atmesh