



2026:AH:7187

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 39 of 2026

Ramakant And 2 Others

.....Petitioner(s)

Versus

Deputy Director Of Consolidation, And 42 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashok Kumar Gupta, Chandra Shekhar Agnihotri, Manoj Kumar Dubey
Counsel for Respondent(s)	: Ayub Khan, C.S.C.

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Sri Ayub Khan, learned Advocate has filed memo of appearance on behalf of respondent Nos. 6 to 14 today in Court, which is taken on record. Office is directed to proceed accordingly and print his name as counsel for the respondents, whenever the case is listed next.

2. Heard learned counsel for the petitioners, learned counsel for the respondents No. 6 to 14 and learned Standing Counsel for the State-respondents No. 1 to 5.

3. Instant writ petition has been filed, inter alia, seeking the following reliefs:

(i) *Issue a writ, order or direction in the nature of certiorari for quashing the impugned orders dated 31.10.2025 (Annexure-1), passed by respondent no.1, in Case no.0061/2025, Ramakant & Others Vs. Shivlochan and Others, under section 48(1) of U.P. C.H. Act, 1953. as well as order dated 20.05.2025 (Annexure-17), passed by respondent no.3, in Case no.0355/2023, Shivlochan & Others Vs. Kamlakant and Others, under rule 109-A(3) of U.P. C.H. Rules, 1954.*

(ii) *Issue a writ, order or direction in the nature of certiorari for quashing the impugned orders dated 13.07.1978 and 18.05.1976 (Annexure no.2), passed by the respondent no.4, as well as order dated 06.10.1979 (Annexure no.-3), passed by respondent no.3 in Appeal no.431/1979, Kishnaram & Others Vs. Shyam Sunder & Others, under section 11(2) of U.P. C.H. Act, 1953 along with orders dated 16.03.1981 (Annexure no.5) and 23.12.2022 (Annexure no.11), passed by respondent no.2."*

4. After due deliberation at length, learned counsel for the petitioners has not pressed the instant writ petition insofar as prayer No. (ii) is concerned, which

relates to the title proceeding under Section 9A(2) of UPOCH Act; however learned counsel has pressed only prayer No. (i), which relates to the proceedings under Rule 109A of UPOCH Rules.

5. The instant writ petition arises out of proceeding under Rule 109A of the UPOCH Rules filed on behalf of the contesting respondents. The Consolidation Officer, vide order dated 18.04.2023, dismissed the application filed under Rule 109A(2) of UPOCH Rules for want of existence of the original record relating to the orders dated 13.07.1978 and 18.05.1976 passed by the Consolidation Officer. Having been aggrieved, the contesting-respondents preferred an appeal. The Settlement Officer of Consolidation, vide order dated 20.05.2025, allowed the appeal and remitted the matter before the Consolidation Officer concerned to decide the same afresh after affording opportunity of hearing to both the parties. While allowing the appeal, the Settlement Officer of Consolidation also made certain observation with regard to the filing of appeal and the revision arising out of the orders dated 13.07.1978 and 18.05.1976. The Deputy Director of Consolidation, upon revision being filed on behalf of the present petitioners, dismissed the same, vide order dated 31.10.2025, thereby affirming the order passed by the Settlement Officer of Consolidation.

6. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, it manifests that the proceedings under Rule 109A(2) of UPOCH Rules are still pending consideration before the Consolidation Officer in pursuance of the remand order dated 20.05.2025 passed by the Settlement Officer of Consolidation. While allowing the appeal, the Settlement Officer of Consolidation referred the order dated 06.10.1979 passed by the Settlement Officer of Consolidation affirming the order dated 13.07.1978 passed by the Consolidation Officer. The revision preferred against the order dated 06.10.1979 was decided by order dated 23.12.2022 passed by the Deputy Director of Consolidation.

7. Learned counsel for the contesting-respondents has pointed out that there exists a chequered history of litigation between the order dated 13.07.1978 passed by the Consolidation Officer and order dated 30.12.2022 passed by the Deputy Director of Consolidation.

8. In my considered opinion, opportunity is still open to the petitioners to file a detailed objections and place all relevant facts before the Consolidation Officer at the time of considering of the objection/application under Rule 109A(2) of UPOCH Rules. At this juncture, it would not be befitting for this court to examine the legality and correctness of the order passed by the

Consolidation Officer and the Settlement Officer of Consolidation, inasmuch as separate proceedings on the regular side are stated to be pending before the court competent, as informed by learned counsel for the contesting-respondents.

9. In the event the present petitioners file detailed objections to the objection/application filed by the contesting respondents under Rule 109A(2) of UPOCH Rules, the same shall be considered and decided by the Consolidation Officer by a reasoned and speaking order after affording opportunity of hearing to all parties concerned.

10. Learned Consolidation Officer (respondent No. 3) shall make every endeavour to consider and decide the aforementioned application under Rule 109A(2) of UPOCH Rules within a period of six months from the date of receipt of the certified copy of order of the day.

11. Accordingly, instant writ petition is **disposed of**.

January 12, 2026

vinay

(Dinesh Pathak,J.)