



2026:ABC:5210

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4867 of 2025

Shreepal And 15 Others

.....Petitioner(s)

Versus

Deputy Director Of Consolidation Hathras And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anjani Kumar Shahwal
Counsel for Respondent(s)	:	C.S.C., Krishna Kant Singh

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondent nos. 1 to 3 and learned counsel for the Gaon Sabha (respondent no.4).

2. In view of the peculiar facts and circumstances of the present case, and order proposed to be passed hereinunder, this Court proceeds to decide the instant matter finally with the consent of the counsels for the parties and without calling for their respective affidavits.

3. The instant writ petition has been filed, inter alia, seeking the following reliefs:-

"i. Issue a writ order or direction in the nature of certiorari quash the impugned order dated 16.05.2025 passed by Deputy Director of Consolidation, Hathras in Case No. 0290 of 2024, Computerized Case No. 202454183400000290 (Gram Sabha Versus Shreepal and others) under Section 48(3) U.P.C.H. Act, 1993.

ii. Issue any other suitable writ order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

iii. Award the cost of the petition in favour of the petitioner throughout."

4. The petitioners are aggrieved by the order dated 16.05.2025 passed by the Deputy Director of Consolidation, whereby the names of the present petitioners have been ordered to be expunged from the land revenue record. It is submitted that the Deputy Director of Consolidation has directly entertained an application moved on behalf of the Gaon Sabha through D.D.C. (Revenue) and without adverting to the plea raised on behalf of the petitioners, who are claiming their right, title and interest over the property in question on the basis of lease deed executed in the year, 1967, allowed the said application (treating it as revision) and issued a direction for correction of the

Consolidation record i.e. C.H. Form-45.

5. Learned counsel for the Gaon Sabha has contended that all the petitioners have illegally and fraudulently got their names recorded in the CH Form-45, despite having no legal right. Therefore, the Deputy Director of Consolidation has rightly expunged the names of the present petitioners based on the inquiry report dated 08.07.2024 submitted by the Settlement Officer of Consolidation.

6. Having considered the rival submissions advanced by the learned counsel for the petitioners, learned Standing Counsel as well as the learned counsel for the Gaon Sabha and upon perusal of the record, it is manifest that the entries made in favour of the present petitioners in CH Form-45 have been expunged as the same were considered to be forged.

7. The Deputy Director of Consolidation directly entertained the miscellaneous application moved by the learned DGC (R) to correct the entries made in CH Form-45. Although, the petitioners appeared and filed their detailed objections to the aforesaid application, the Deputy Director of Consolidation failed to advert to the defense set up by the petitioners. Their claim based on the lease deed executed by Gaon Sabha in the year 1967 has been completely ignored by the Deputy Director of Consolidation. The relevant ZA Form-58 pertaining to all the petitioners respectively have been collectively filed as Annexure No. 2 to the writ petition, which evidences, prima facie, their legal right and title over the demised land. Moreover, judgment dated 24.02.1996 passed by Ist Additional Civil Judge, Aligarh, in O.S. No. 480 of 1995 (Mahendra Singh and others Versus State of U.P. and others), and judgment dated 03.12.2007 passed by Additional Civil Judge (Junior Division) in O.S. No. 69 of 2005 (Shripal Versus Mahipal Singh), Annexure Nos. 4 and 5 respectively to this writ petition, whereby lease deed dated 12.06.1967 has been acknowledged by the Civil Court, are also relevant to be considered at the time of adjudicating the case of alleged forgery set up by the Gaon Sabha. A perusal of the order passed by the Deputy Director of Consolidation reveals that the report dated 08.07.2024 submitted by the Settlement Officer of Consolidation has been made the sole basis for passing the order impugned dated 16.05.2025, whereby the names of the present petitioners have been ordered to be expunged.

8. Deputy Director of Consolidation has non-suited the claim of the present petitioners. No independent consideration has been accorded to the objections filed by the petitioners with respect to their legal right, title and interests over the plot in question. Allowing the order impugned to stand would severally prejudice the tenurial rights of the present petitioners, who are the allottees of the Gaon Sabha. A mere presumption based on the report is not sufficient to expunge their names from the CH Form-45, unless a proper consideration is given to the defence raised by the petitioners. No opportunity of fair trial has been afforded to the present petitioners to establish their claim over the demised land. They deserve to be heard before their

names are expunged from the CH Form-45. A mere observation that the learned counsel for both the parties were heard and that the written submissions filed on their behalf were perused, without recording reasons or dealing with the issues involved, is not sufficient to justify the order passed by Deputy Director of Consolidation. Therefore, the instant writ petition deserves to be allowed and order passed by the Deputy Director of Consolidation is liable to be quashed.

9. In this conspectus, as above, the instant writ petition succeeds and is allowed. The order dated 16.05.2025 passed by the Deputy Director of Consolidation is hereby quashed. The matter is remanded before Deputy Director of Consolidation with a specific direction that the objections filed by the present petitioners shall be duly considered before passing a final order on the application moved by the Gaon Sabha through DDC (Revenue). A full and effective opportunity of hearing shall be afforded to the present petitioners to put their defence with respect to the demised land.

10. All the petitioners as well as Gaon Sabha are hereby directed to appear before the Deputy Director of Consolidation on 03.02.2026.

11. It is excepted that if any additional documents are required to be filed by the petitioners, they shall submit all the relevant documents on the date fixed by this Court i.e. 03.02.2026.

12. Learned Deputy Director of Consolidation, Hathras is excepted to make an endeavour to decide the case, in accordance with law, expeditiously, preferably within a period of **two months from the date fixed i.e. 03.02.2026.**

January 8, 2026
Neetu

(Dinesh Pathak,J.)