



2026:AHC:10061

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4874 of 2025

Udai Bhan Singh

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jata Shankar Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner and learned Standing counsel for the State respondents.
2. Petitioner is aggrieved by the remand order dated 18.07.2025 passed by Deputy Director of Consolidation, Firozabad (respondent no. 2), whereby matter has been remitted before the Consolidation Officer to decide the allotment of lots (kurra) of the parties in respect of the plot in question.
3. Instant writ petition has arisen out of proceedings under Section 9A(2) of UP Consolidation of the Holdings Act. The consolidation officer, vide order dated 05.11.2014, decided the lots (kurra) of the parties in respect of the plot no. 229 on the basis of an alleged compromise, which was stated to have taken place in Misc. Appeal arising out of proceedings under Section 6A of the UP Consolidation of Holdings Act, which appeal was dismissed on 07.01.2020. Having being aggrieved, present petitioner has filed restoration application, which was dismissed by the consolidation officer. On appeal being filed on behalf of the petitioner, Settlement Officer of Consolidation has dismissed the same. Being aggrieved by order dated 07.11.2020 passed by the Settlement Officer of Consolidation, petitioner preferred revision, which was allowed and parties were relegated before the consolidation officer, vide order dated 18.07.2025, which is under challenge before this Court.
4. Having considered the submissions advanced by learned counsel for the petitioner and learned Standing Counsel for the State respondents, and

upon perusal of record, it is manifest that the Consolidation Officer decided the allotment of lots to the parties on the basis of an alleged compromise; however no copy of any compromise duly signed by the parties was ever filed before the Consolidation Officer. While deciding the objection vide order dated 05.11.2014, Consolidation Officer taken into account a copy of a compromise which was allegedly took place before the Settlement Officer of Consolidation in a miscellaneous case. It is admitted that respondent nos. 5 and 6 were not the signatories of the said compromise. Admittedly, there is no dispute amongst the parties with regard to their respective shares in the property in question, the same having already been determined by a preliminary decree dated 15.07.2008 passed by Assistant Collector, First Class/Sub Divisional Officer, Shikohabad in case no. 365/2007-08 under Sections 176/177 of U.P. Zamindari Abolition and Land Reforms Act. The Deputy Director of Consolidation has recorded a categorical finding that Consolidation Officer passed an *ex-parte* order dated 05.11.2014 against the contesting respondents on the basis of a defective compromise, which had allegedly taken placed in another matter at the stage of appeal before the Settlement Officer of Consolidation. In fact, the parties before the Consolidation Officer in Case No. 130/2020, in proceedings under Section 9A(2) of UP Consolidation of Holdings Act, never arrived at any compromise intending to decide the kurra amongst the parties with respect to the property in question. The aforesaid finding of fact recorded by the Deputy Director of Consolidation has not been rebutted by the writ petitioner. As such, in the absence of any compromise before the Consolidation Officer between the parties, the objection under Section 9A(2) of UP Consolidation of Holdings Act having been decided on the basis of such alleged compromise, is *nonest* in the eye of law. The Deputy Director of Consolidation has, therefore, rightly allowed the revision and relegated the parties before the Consolidation Officer to decide the objection under Section 9A(2) of UP Consolidation of Holdings Act afresh, after affording opportunity of hearing to the parties on merits with regard to the allotment of kurra.

5. In this conspectus as above, no justifiable ground is made out for this Court to entertain the present writ petition or to interfere with the remand

order passed by Deputy Director of Consolidation. There is no illegality, infirmity or perversity in the order under challenge. There is nothing on the record to demonstrate how petitioner has been prejudiced, or if there is likelihood of any causing miscarriage of justice to him, owing to the order under challenge.

6. Resultantly, instant writ petition, being misconceived and devoid of merits, is **dismissed** with no order as to the costs.

(Dinesh Pathak,J.)

January 14, 2026

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