



2026:AHC:20103

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 172 of 2026

Kiran Singh

.....Petitioner(s)

Versus

Deputy Director Of Consolidation And 21 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shashi Kant Upadhyay
Counsel for Respondent(s)	:	C.S.C., Sanjay Kumar

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned counsel for the contesting respondents No. 12, 13, 14, 15/1, 15/2, 15/4 and 16, as well as learned Standing Counsel representing State-respondents No. 1 and 2, and perused the record on board.
2. The petitioner has invoked the extraordinary jurisdiction of this Court assailing the order dated 19.11.2025 passed by Deputy Director of Consolidation in Revision (Case) No. 0440 of 2024, affirming the order dated 18.01.2024 passed by Settlement Officer of Consolidation in Appeal (Case) No. 0001 of 2021, whereby the matter was remitted to the Consolidation Officer to decide afresh after substituting the heirs and legal representatives of the deceased parties and affording them an opportunity of being heard.
3. The grievance of the petitioner is that the Settlement Officer of Consolidation, while remanding the matter, made certain observations on merits regarding the right, title and interest of the petitioner, which could prejudice his interest before the Consolidation Officer.
4. Per contra, learned counsel for the private-respondents has contended that, in final observation, the Settlement Officer of Consolidation has merely remitted the matter to the Consolidation Officer to decide afresh after affording an opportunity of hearing to the heirs and legal representatives of the deceased parties and the same has been affirmed by the Deputy Director of Consolidation; therefore, the present petitioner still has an opportunity to contest before the Consolidation Officer and defend his case.

5. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, it manifests that the Settlement Officer of Consolidation, in support of his remand order, made two fold observation; first, that the Consolidation Officer had not properly appreciated the evidence filed by the parties while deciding their shares; and second, that the heirs and legal representatives of the deceased, namely, Ramjeet S/o Raghunandan, Banwari S/o Jaddu, Faujdaar S/o Dhoop, Sugiya D/o Shivdhari and Badri S/o Raghunandan were not brought on record and no opportunity of being heard had been afforded to them. The Deputy Director of Consolidation, while affirming the order passed by the Settlement Officer of Consolidation, observed in his last paragraph that the Settlement Officer of Consolidation had passed a detailed order and relegated the parties before the court below to correct the legal error and afford an opportunity of being heard to the heirs and legal representatives of the deceased. He further observed that the opportunity is still open to all the parties to be heard and adduce their evidence; therefore, there is no illegality in the appellate court's order. The Settlement Officer of Consolidation, while passing the order dated 18.01.2024, has not made any final finding or observation that his view with regard to the right and title of Lalita Devi (vendor of the present petitioner) had become final between the parties. He has simply remitted the matter before the Consolidation Officer to decide the case afresh after affording an opportunity of being heard to all the concerned parties. The Deputy Director of Consolidation has merely affirmed the order passed by the Settlement Officer of Consolidation without modifying, altering or reversing the same.

It is apposite the mention, as submitted by the learned counsel for the parties, that the present petitioner is a transferee *pendente lite* during the pendency of the appeal before the Settlement Officer of Consolidation. He has purchased the partial area of the disputed property from Lalita Devi, who was the wife of Doma. The petitioner, along with his vendor Lalita Devi, have preferred the revision before the Deputy Director of Consolidation, which has been dismissed by the order impugned dated 19.11.2025 affirming the order passed by the Settlement Officer of Consolidation. Needless to say, the present petitioner steps into the shoes of his vendor, and all rights he has acquired in respect of the property in question would, at most, extend only to the rights of his vendor. Any incidental observation made by the Settlement Officer of Consolidation or the Deputy Director of Consolidation, while

deciding the appeal and the revision respectively, pale into insignificance in the light of the conclusion arrived at by the aforesaid authorities, whereby the matter has only been remitted to the Consolidation Officer for decision on merits after affording an opportunity of being heard to all parties concerned.

6. In this conspectus, as above, I do not find any justifiable ground to entertain the instant writ petition or to interfere in the orders passed by the Settlement Officer of Consolidation and the Deputy Director of Consolation. The present petitioner still has an opportunity to contest the matter before the Consolidation Officer and defend his case, as a vendee from one of the co-sharer, namely, Lalita Devi. There is no illegality, perversity or infirmity in the order impugned so as to warrant indulgence of this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. There is nothing on record to demonstrate as to how the petitioner is prejudiced, or if there is any likelihood of causing miscarriage of justice to him, owing to the orders under challenge.

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

January 29, 2026
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(Dinesh Pathak,J.)