

Reserved On:11.12.2025

Delivered On:28.1.2026



2026:AHC:18445

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 2863 of 2025

Prabhavati

.....Petitioner(s)

Versus

State of U.P. Through Secretary, Finance and Revenue and 12 Iothers

.....Respondent(s)

Counsel for Petitioner(s)	: Dr. Vishnu Pandey
Counsel for Respondent(s)	: C.S.C., Shashi Ranjan Srivastava

With

WRIT - B No. - 2542 of 2025

Ramkrit Yadav

.....Petitioner(s)

Versus

State of U.P. and 13 others

.....Respondent(s)

Counsel for Petitioner(s)	: Atul Yadav, Dr. Vishnu Pandey, Nisheeth Yadav, Sr. Advocate
Counsel for Respondent(s)	: C.S.C., Shashi Ranjan Srivastava

With

WRIT - B No. - 2437 of 2025

Arvind Kumar Singh

.....Petitioner(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashutosh Kumar Pandey, Dr. Vishnu Pandey, Sheetendra Kumar Mishra, Umesh Vats
Counsel for Respondent(s)	: Bhupendra Kumar Tripathi, C.S.C.

Court No. - 55**HON'BLE CHANDRA KUMAR RAI, J.**

1. Heard Sri Rahul Sripat, learned Senior Counsel assisted by Dr. Vishnu Pandey, Sri Piyush Dwivedi and Sri Shashank Dubey, learned counsel for the petitioner, Sri C.B. Yadav, learned Senior Counsel assisted by Sri Atul Yadav, Sri Anil Bhushan, learned Senior Counsel assisted by Sri Shashi Ranjan Srivastva, learned counsel for the private respondents and Sri Ashutosh Kumar Rai, learned Addl. C.S.C. for the state-respondents in Writ-B No.2863 of 2025.

2. Heard Sri C.B. Yadav, learned Senior Counsel assisted by Sri Atul Yadav, learned counsel for the petitioner, Sri Rahul Sripat, learned Senior Counsel assisted by Dr. Vishnu Pandey, Sri Piyush Dwivedi and Sri Shashank Dubey, learned counsel for the private respondent no.15, Sri Anil Bhushan, learned Senior Counsel assisted by Shri Shashi Ranjan Srivastava, learned counsel for

respondent nos.5 to 9 and Sri Ashutosh Kumar Rai, learned Addl. C.S.C. for the state-respondents in Writ- B No.2542 of 2025.

3. Heard Sri Anil Bhushan, learned Senior Counsel assisted by Sri Ashutosh Kumar Pandey, learned counsel for the petitioner, Sri Rahul Sripat, learned Senior Counsel assisted by Dr. Vishnu Pandey, Sri Piyush Dwivedi, Sri Shashank Dubey, learned counsel who have applied for impleadment and Sri Ashutosh Kumar Rai, learned Addl. C.S.C. for the state-respondents in Writ-B No.2437 of 2025.

4. Brief facts of the case are that the petitioner of Writ-B No.2863 of 2025 is chak holder no.194, petitioner of Writ- B No.2542 of 2025 is chak holder no.335 and petitioner of Writ-B No.2437 of 2025 is chak holder no.10. Original holdings of petitioner of Writ-B No.2863 of 2025 are plot no.60 etc. and she was proposed two chaks by Assistant Consolidation Officer. First chak on plot no.82/13 etc. and second chak on plot no.82/18 etc. Petitioner of Writ-B No.2863 of 2025 filed revision under Section 48 of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as "U.P.C.H. Act") against the order dated 27.9.2024 passed by Settlement Officer of Consolidation under Section 21 (2) of U.P.C.H. Act with

the prayer that the petitioner should allotted chak on plot nos.82/14, 82/21 etc. according to her share taking out the proposed plot no.85/1, 83/3 from her chak. The alternative prayer has also been made by the petitioner of Writ-B No.2863 of 2025 that if aforementioned prayer is not possible then petitioner should be allotted chak over plot no.89 of atleast 0.309 hectare area, which was purchased by her by way of sale-deed. Deputy Director of Consolidation vide order dated 1.3.2025 allowed the revision in part allotting chak to her on plot nos.82/8, 82/11, 83/2 taking out the equal area from her chak allotted on plot nos.82/8 & 83/3. Chak of the petitioner of Writ-B No.2863 was changed from the chak of the petitioner of Writ- B No.2542 of 2025. Against the order dated 1.3.2025 petitioner of Writ- B No.2863 of 2025 filed a restoration application dated 8.4.2025 before Deputy Director of Consolidation and petitioner of Writ-B No.2542 of 2025 also filed a restoration application dated 10.3.2025 before Deputy Director of Consolidation which were heard together and dismissed vide order dated 15.5.2025. Petitioner initiated proceeding under Section 21 (1) of U.P.C.H. Act for allotment of chak which was dismissed by the Consolidation Officer vide order dated 27.3.2025 recording finding of fact that allotment proceeding has already been finalized, as such, chak

objection filed at belated stage cannot be entertained. Petitioner filed appeal under Section 21 (2) of U.P.C.H. Act, which was registered as Appeal No.67 of 2025 which is pending. Hence Writ-B No.2863 of 2025 has been filed for the following relief:

"issue a writ in the nature of certiorari for quashing the part of the order relating to gata no.89 dt. 01.03.2025 passed by the Deputy Director of Consolidation, Chandauli in Case No.0707 of 2024 (Computerized Case No.202454141800000707, Prabhavati vs. State), under Section 48 (1) of U.P. Consolidation of Holdings Act, 1953."

Writ-B No.2542 of 2025 has been filed for the following reliefs:

"1. Issue a writ, order or direction in the nature of Certiorari quashing the order impugned dated 01.03.2025 passed by Additional District Magistrate (F/R)/Deputy Director Consolidation, Chandauli in Case 0707 of 2024 Computerised Case No.202454141800000707 (Prabhawati vs. State and others), under section 48/1 of U.P. C.H. Act, (Annexure No.11 to this writ petition);

2. Issue a writ, order or direction in the nature of Certiorari for quashing the order impugned dated 15.05.2025 passed by Deputy Director Consolidation in Review Case No. RST/0140/2025 Computerized Case No. 202554141800000140 (Ramkrit vs. Prabhawati and others) (Annexure No. 14 to this writ petition).

3. Issue a writ, order or direction in the nature of mandamus commanding the respondents to maintain possession of the petitioner as per the order and direction and finding recorded by the Deputy Director Consolidation vide its order dated 06.11.2024 passed by Deputy Director Consolidation in Case No.0549 of 2024 (Ramkrit vs. Prabhawati and others) (Annexure No.8 to this writ petition)."

Writ-B No.2437 of 2025 has been filed for the following relief:

"I. Issue the writ, order or direction in the nature of Mandamus directing the respondents, particularly Respondent Nos. 3 and 4, to forthwith conduct the demarcation and deliver possession of Chak No. 10 at Mauja Kurhana, Pargana Mawai, District Chandauli to the petitioner, in compliance of order dated 30.05.2025 passed by Bandobast Adhikari Chakbandi, Chandauli

within stipulated period or time, otherwise the petitioner will suffer irreparable loss and injury."

3. Learned Senior Counsel for the petitioner in Writ-B No.2863 of 2025 submitted that the plot no.89 was purchased by the petitioner in the year 2012 and later on National Highway Authority acquired some area of the plot no.89, as such, petitioner cannot be deprived from allotment of chak on plot no.89. He further submitted that the petitioner was not noticed by the authorities and petitioner's chak was disturbed accordingly, petitioner filed revision under Section 48 of U.P.C.H. Act against the order of Settlement of Consolidation dated 27.9.2024 with the prayer that the appellate order dated 27.9.2024 be set aside and petitioner be allotted chak on plot nos.82/14 & 82/21 in lieu of plot nos.85/1 & 83/3 as well as alternative prayer has been made that if aforementioned relief is not possible then petitioner should be allotted chak on her plot no.89. He further submitted that Deputy Director of Consolidation has allowed the petitioner's revision in part but actual relief was not granted by the revisional Court. He further submitted that the petitioner has filed chak objection under Section 21 (1) of U.P.C.H. Act along with prayer for condonation of delay with specific prayer for allotment of

chak on her plot no.89 but Consolidation Officer has dismissed the petitioner's objection as not maintainable. He further submitted that the chak appeal under Section 21 (2) of U.P.C.H. Act filed by petitioner is pending before Settlement Officer of Consolidation. He further submitted that the impugned revisional order dated 1.3.2025 passed by Deputy Director of Consolidation should be set aside and petitioner's claim for allotment on her plot no.89 should be allowed as plot no.89 is situated adjacent to National Highway (ring road).

4. Learned Senior Counsel for the petitioner in Writ- B No.2542 of 2025 submitted that the plot no.84 was purchased by the petitioner by registered sale-deed, as such, petitioner should be allotted chak on plot no.84 according to the area purchased by the petitioner. He further submitted that the chak revision filed by petitioner was decided by the order dated 6.11.2024, as such, the subsequent revisional order dated 1.3.2025 disturbing the chak of petitioner in the revision filed by the petitioner of Writ- B No.2863 of 2025 is without jurisdiction. He further submitted that the area of original holding of the petitioner was 0.144 Hectare but after impugned revisional order the area of the petitioner has been further reduced. He further submitted that the

plot no.83 is commercial plot, as such, petitioner cannot be deprived from the same. He further submitted that in the revision filed by the petitioner of Writ- B No.2863 of 2025, petitioner of Writ- B No.2542 of 2025 was not impleaded but on the impleadment application the petitioner of Writ-B No.2863 of 2025 was impleaded in the revision. He further submitted that against the impugned revisional order dated 1.3.2025 petitioner has filed a review application which has been dismissed in arbitrary manner. He further submitted that impugned order dated 1.3.2025 & 15.5.2025 should be set aside and authorities be directed to finalized the chak allotment proceeding as per the order dated 6.11.2024 passed by Deputy Director of Consolidation.

5. Learned Senior Counsel in Writ- B No.2437 of 2025 submitted that the consolidation authorities be directed to deliver possession to the petitioner of Writ- B No.2437 of 2025 in compliance of the order dated 30.5.2025 passed by the Settlement Officer of Consolidation. He further submitted that aforementioned Writ- B No.2863 of 2025 and Writ- B No.2542 of 2025 have been filed on misconceived ground as such the same are liable to be dismissed.

6. I have considered the argument advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that revision under Section 48 of U.P.C.H. Act filed by petitioner of Writ- B No.2863 of 2025 has been decided by the Deputy Director of Consolidation vide order dated 1.3.2025 adjusting the chak of the petitioner of Writ- B No.2863 of 2025 and petitioner of Writ-B No.2542 of 2025. There is also no dispute about the fact that the chaks of aforementioned petitioners were adjusted on the same plot under the impugned revisional order by Deputy Director of Consolidation. There is also no dispute about the fact that the review application filed by petitioner of Writ-B No.2542 of 2025 has been dismissed under the impugned order by the Deputy Director of Consolidation. There is also no dispute about the fact that the chak objection filed by the petitioner of Writ- B No.2863 of 2025 for allotment of chak on plot no.89 has been dismissed and chak appeal is pending before Settlement Officer of Consolidation.

8. In order to appreciate the controversy involved in the matter, the perusal of schedule prepared under the revisional order dated 1.3.2025 will be relevant, which is as under:

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संशोधन तालिका

परगना - अरुणा

तहसील - अरुणा

क्र.सं.	चक्रदार का नाम व पिता का नाम नियाम स्थान	खारिज					दाखिल					विशेष विवरण
		गाटा	क्षेत्र	रेट	मुद्रांक	कहा को	गाटा	क्षेत्र	रेट	मुद्रांक	कहा को	
1.	2	3	4	5	6	7	8	9	10	11	12	13
835	रामकृष्ण पुत्र परदेसी नि ग्रामवासी	82	0.001	(90)	0.10	(194)	82	0.124	(90)	11.15	(194)	
		82	0.053	(80)	4.77	"	82	0.032	(80)	2.57	"	
		82	0.111	(80)	8.85	"	2	0.156	-	13.72		
		3	0.165	-	13.72	-						
194	उमावती पत्नी रामकृष्ण नि ग्रामवासी	82	0.124	(90)	11.15	(335)	82	0.001	(90)	0.10	(335)	
		82	0.032	(80)	2.57	"	82	0.053	(90)	4.77	(")	
		2	0.156	-	13.72	-	82	0.111	(80)	8.85	"	
							3	0.165	-	13.72		

10/05/25

श्रीमान श्री
श्री अमलकमय
श्रीमान श्री
11/3/25

श्रीमान श्री
11-3-25

61/3/25

DR



9. Perusal of the schedule attached to the impugned order dated 1.3.2025 passed by Deputy Director of Consolidation also demonstrate that the petitioners of Writ- B No.2863 of 2025 & Writ- B No.2542 of 2025 have been adjusted on the same plot with slight modification.

10. Perusal of the C.H. Form 23 of the petitioners of respective petition demonstrate that the parties have been adjusted on their original plot as far as possible as provided under Section 19 of U.P.C.H. Act.

11. So far as the claim of petitioner of Writ- B No.2863 of 2025 for allotment of chak on plot no.89 is concerned, chak objection filed by petitioner of Writ- B No.2863 of 2025 has been dismissed as not maintainable and chak appeal is pending, as such, the claim for allotment on plot no.89 by the petitioner of Writ-B No.2863 of 2025 cannot be considered by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

12. It is also material to mention that filing of the chak objection at a belated stage of consolidation operation should not be allowed even for the valuable plot of the tenure holder if tenure holder concerned has not initiated proper proceeding for the allotment at proper stage of the consolidation operation.

13. So far as the claim of the petitioner of Writ- B No.2437 of 2025 is concerned, the chak of Writ- B No.2437 of 2025 has not been disturbed under the order dated 1.3.2025, as such, authorities should consider the

claim of the petitioner of Writ- B No.2437 of 2025 for delivery of possession in accordance with law expeditiously.

14. Considering the entire facts and circumstances of the case, Writ- B No.2863 of 2025 filed by Prabhawati as well as Writ- B No.2542 of 2025 filed by Ramkrit Yadav are ***dismissed*** and Writ-B No.2437 of 2025 filed by Arvind Kumar Singh is finally ***disposed of*** directing the consolidation authorities to take steps for delivery of possession in respect to the chak of the petitioner of Writ-B No.2437 of 2025 in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy of this order.

(Chandra Kumar Rai,J.)

January 28, 2026

Rameez