

Reserved On:3.12.2025

Delivered On:21.1.2026



2026:AHC:15153

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 10547 of 1992

Chulhai

.....Petitioner(s)

Versus

D.d.c.

.....Respondent(s)

Counsel for Petitioner(s)	: Anoop Kumar, D.k. Singh, Dinesh Pathak, G.d.misra., Rakesh Pathak
Counsel for Respondent(s)	: S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Anoop Kumar, learned counsel for the petitioner, Mr. Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for the respondent-Gaon Sabha.

2. Brief facts of the case are that petitioner is chak holder no.148. Plot nos.365, 240, 1454 are the original holding of the petitioner. Assistant Consolidation Officer proposed two chaks to the petitioner, first chak on plot nos.240M, 242M & second chak on plot nos.357M, 365M & 367M.

Petitioner filed chak objection under Section 20 of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as "U.P.C.H. Act") claiming that the whole area of plot no.365 should be allotted in chak of the petitioner after taking out the area of plot no.365 which is reserved as bachat. Consolidation Officer decided the objection but petitioner was not allotted entire area of plot no.265 situated adjacent to road, accordingly, petitioner filed chak appeal before Settlement Officer of Consolidation who allowed the appeal of petitioner vide order dated 30.6.1987 but according to the petitioner he was not allotted chak as claimed by him, accordingly, petitioner filed chak revision before Deputy Director of Consolidation who vide impugned order dated 13.12.1991 dismissed the petitioner's revision. Hence this writ petition for the following reliefs:

"i .issue writ order or direction in the nature of certiorari quashing the judgement and order dated 13- 12-1991 passed by the respondent No.1,

ii. issue any other writ order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iii. allow the petition with costs."

3. On 26.3.1992, this Court ordered to list the instant writ petition for admission after two weeks.

4. The instant writ petition has not been admitted nor any interim order has been granted since 1992.

5. Learned counsel for the petitioner submitted that the plot no.365 is the original holding of the petitioner which is a road side plot. He further submitted that entire area of the plot no.365 has not been allotted to petitioner, accordingly petitioner filed chak objection, chak appeal & chak revision but consolidation authorities have not decided the chak objection, chak appeal & chak revision in proper manner, as such, impugned order passed by the consolidation authorities should be set aside and petitioner should be allotted entire area of plot no.365. He placed the C.H. Form 23 of the petitioner as well as the village map which are annexes along with the supplementary affidavit dated 16.11.2025 in order to demonstrate that the petitioner is entitled for allotment of chak on entire area of plot no.365.

6. On the other hand, learned counsel appearing for the State & Gaon Sabha submitted that the petitioner has already been allotted chak on plot no.365, as such, no further interference is required in the matter. They further submitted that the part of the area of plot no.365 is a bachat plot, as such, the same cannot be allotted to petitioner on the ground that plot no.365 is the road side plot. They further submitted that no interim order is operating in the instant writ petition for last more than 33

years, as such, the chak allotment made about 35 years before, cannot be disturbed.

7. I have considered the argument advanced by learned counsel for the petitioner, learned Standing Counsel for the State-respondents, learned counsel for the respondent- Gaon Sabha and perused the records.

8. There is no dispute about the fact that the plot no.365 is the original plot of the petitioner and part of the area of plot no.365 was reserved as bachat plot. There is also no dispute about the fact that the petitioner has already been allotted chak on plot no.365.

9. In order to appreciate the controversy involved in the matter, perusal of Section 19 (1) (e) (f) (g) of U.P.C.H. Act will be relevant, which are as under:

"19. Conditions to be fulfilled by a Consolidation Scheme.-(1) A Consolidation Scheme shall fulfill the following conditions, namely-

.....

(e) every tenure-holder is, as far as possible, allotted a compact area at the place where he holds the largest part of his holding:

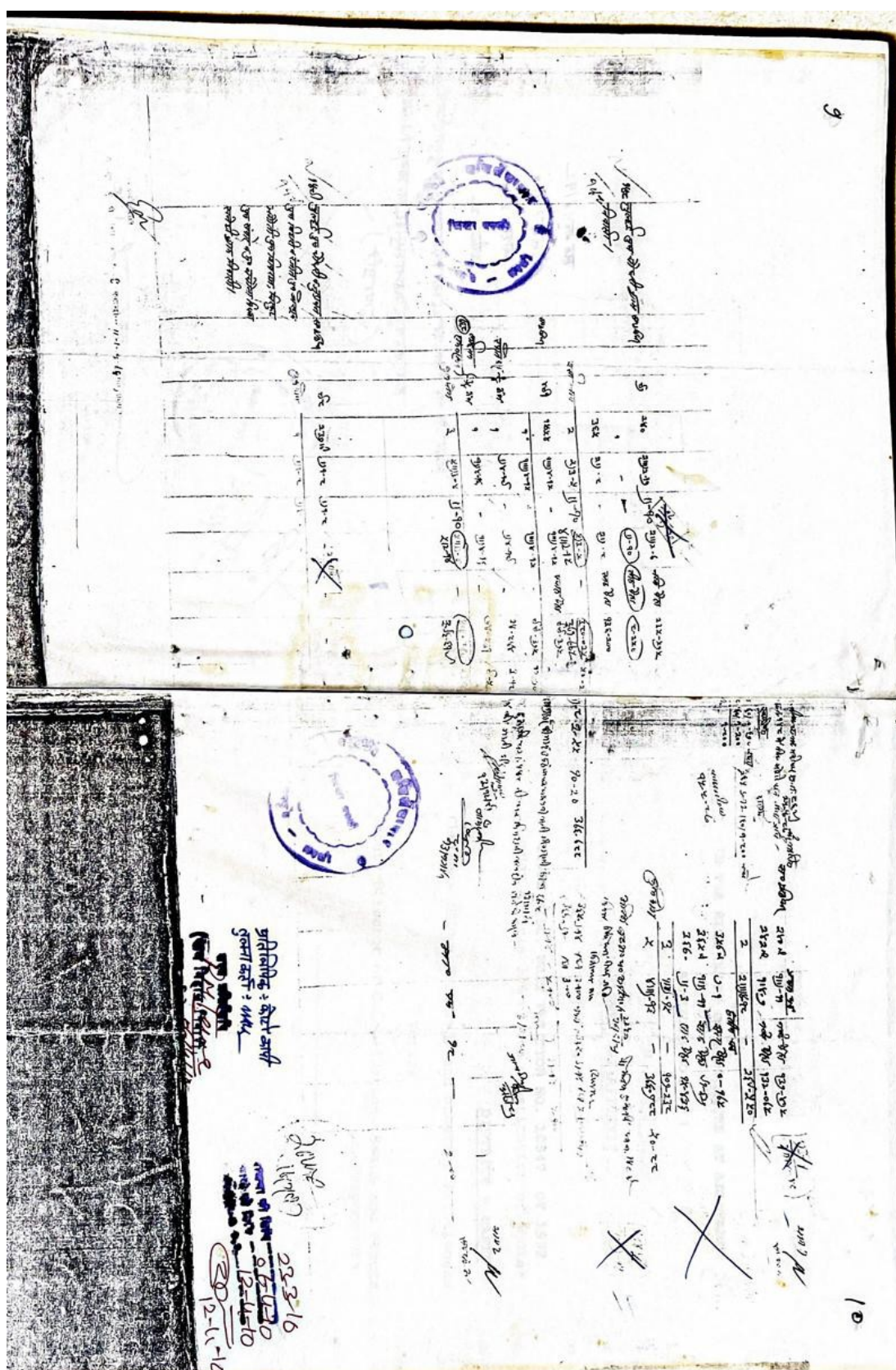
Provided that no tenure-holder may be allotted more chaks than three, except with the approval in writing of the Deputy Director of Consolidation:

Provided further that no consolidation made shall be invalid for the reason merely; that the number of chaks allotted to a tenure-holder exceeds three;

(f) every tenure-holder is, as far as possible, allotted the plot on which exists his private source of irrigation or any other improvement, together with an

(g) every tenure-holder is, as far as possible, allotted chaks in conformity with the process of rectangulation in rectangulation units."

10. Perusal of C.H. Form 23 of the petitioner will also be relevant, which is as under:



11. Perusal of the C.H. Form 23 of the petitioner as quoted above demonstrates that the petitioner has been proposed chak on his original plot no.365 and maintained upto revisional stage of the consolidation operation with slight modification, as such, further claim for allotment on plot no.365 which is also reserved as bachat cannot be allowed. The chak allotment made about 35 years before cannot be disturbed by this Court in exercise of jurisdiction under Article 226 of the Constitution of India as petitioner has already been adjusted on his original plot which is sufficient compliance of the provisions contained under Section 19 of U.P.C.H. Act.

12. Considering the entire facts and circumstances of the case, no interference is required in the matter.

13. The writ petition is ***dismissed accordingly.***

(Chandra Kumar Rai,J.)

January 21, 2026

Rameez