

Reserved On:- 8.12.2025

Delivered On:- 30.1.2026



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – B No. - 10204 of 1981

SubedarPetitioners(s)

Versus

Asst. Director ofRespondents(s)
Consolidation

Counsel for Petitioners(s)	: Mr. Ram Raj Prajapati
Counsel for Respondent(s)	: Mr. Om Anand, standing counsel

With

WRIT – B No. - 9029 of 1981

Ram GopalPetitioners(s)

Versus

Asst. Director ofRespondents(s)
Consolidation

With

WRIT – B No. - 9020 of 1981

Smt. Ram PiyariPetitioners(s)

Versus

Asst. Director ofRespondents(s)
Consolidation

With

WRIT – B No. - 9019 of 1981

Balbir SinghPetitioners(s)

Versus

Asst. Director ofRespondents(s)
Consolidation

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Ram Raj Prajapati, learned counsel for the petitioner, Mr. Om Anand, learned standing counsel for the state-

respondents and no one appeared for the private respondents in Writ B No.10204 of 1981.

2. No one appeared for petitioner in Writ B No.9029 of 1981, Writ B No.9020 of 1981 and Writ B No.9019 of 1981. Mr. Ram Raj Prajapati appeared for private respondent and Mr. Om Anand, learned standing counsel for the state-respondents in the aforementioned Writ B No.9029 of 1981, Writ B No.9020 of 1981 and Writ B No.9019 of 1981.

3. Brief facts of the case are that dispute relates to share of the parties in respect to plots of khata nos. 20, 24, 39, 40, situated in village Kumhaupur, Pergana- Sumerpur, District Hamirpur. The particulars of plots in respect to aforementioned khata nos. 20, 24, 39, 40, basic year entry and objection/claim filed by the parties under Section 9-A(2) of the U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as the "U.P. C.H. Act") for their share, are mentioned in paragraph nos. 3 to 14 of the writ petition. On the basis of the objection/claim filed by the parties, Consolidation Officer registered four cases which are as under:-

"(a) Case No.300 (Girand Singh vs. Balbir Singh)

(b) Case No.559 (Girand Singh vs. Balram Singh)

(c) Case No.503 (Ram Narain Singh vs. Ram Pyari)

(d) Case No.504 (Chandrabhan Singh vs. Sukhdeo)"

Consolidation Officer framed issues in the aforementioned cases and parties have adduced evidences in support of their cases. Consolidation Officer vide order dated 13.12.1973 decided the objection/case, deciding share of the parties. Against the order

of the Consolidation Officer dated 13.12.1973 five appeals under Section 11(1) of the U.P. C.H. Act were filed before the Settlement Officer of Consolidation which were registered as under:-

- “(a) Appeal No.330 filed by Ram Pyari**
- (b) Appeal No.332 filed by Giran Singh**
- (c) Appeal No.360 filed by Sheo Prasad**
- (d) Appeal No.361 filed by Sheo Prasad**
- (e) Appeal No.363 filed by Sheo Prasad”**

Assistant Settlement Officer of Consolidation heard the aforementioned appeals and vide order dated 2.9.1974, allowed the appeals of Sheo Prasad and Ram Pyari and dismissed the appeal filed by Girand Singh and Others. Against the appellate order dated 2.9.1974, 9 revisions under Section 48 of the U.P. C.H. Act were filed before the Director of Consolidation which are as under:-

- “(i) Revision No.1369/2023 (Ram Gopal Singh and Others vs. Sukhdeo Singh and Others)**
- (ii) Revision No.1379/2026 (Subedar Singh and Others vs. Mst. Ram Pyari and Others)**
- (iii) Revision No.1380/2027 (Subedar Singh and Others vs. Mst. Ram Pyari and Others)**
- (iv) Revision No.1381/2028 (Subedar Singh and Others vs. Mst. Ram Pyari and Others)**
- (v) Revision No.1382/29 (Mst Ram Pyari vs. Balbir Singh and Others)**
- (vi) Revision No.1545/37 (Balbir Singh and Others vs. Mst. Ram Pyari and Others)**

(vii) Revision No.1633/42 (Mst Ram Pyari vs. Subedar Singh and Others)

(viii) Revision No.2322/121 (Maharaj Singh vs. Mst Ram Pyari Devi and Others

(ix) Revision No.2322/122 (Smt. Ghassi Kunwar vs. Shiv Prasad and Others)”

The aforementioned revisions were clubbed and heard together. The Assistant Director of Consolidation vide order dated 20.4.1981 dismissed the Revision Nos. 1369/23, 1382/29, 1633/42, 1545/37 and allowed the Revision Nos.1379/26, 1980/27, 1381/28, 2322/121 and 2323/122.

Hence, Writ B No.10204 of 1981 has been filed for the following relief:-

“(a) Issue a writ, order or direction in the nature of writ of certiorari, quashing the judgments and orders passed by respondent nos. 1, 2 and 3 (Annexure Nos. 3, 2 & 1 respectively.

(b) Issue a writ, order or direction in the nature of writ of mandamus, directing the respondent nos. 1, 2 & 3 to allot the petitioner, 1/3rd share or such other share which this Hon’ble Court deems fit and proper.”

Writ B No.9029 of 1981 has been filed for following relief:-

“Issue a writ, order or direction in the nature of writ of certiorari, quashing the orders dated 2.9.1974 (Annexure 5) and 20.4.1981

(Annexure 6) passed by respondent nos. 2 and 1 respectively and the order dated 13.12.1973 (Annexure 4), passed by the respondent no.3 so far as it relates to khata Nos. 39 & 40.”

Writ B No.9020 of 1981 has been filed for following relief:-

“Issue a writ, order or direction in the nature of writ of certiorari, quashing the orders dated 2.9.1974 (Annexure 5) and 20.4.1981 (Annexure 6) passed by respondent nos. 1 and 2 respectively and the order dated 13.12.1973 (Annexure 3), passed by the respondent no.3 so far as it relates to khata Nos. 20.”

Writ B No.9019 of 1981 has been filed for following relief:-

“Issue a writ, order or direction in the nature of writ of certiorari, quashing the impugned orders dated 2.9.1974 (Annexure 2, passed by respondent no.2) and 20.4.1981 (Annexure 3, passed by respondent no.1).”

4. This Court admitted all the abovementioned four writ petitions and granted interim orders.

5. The parties have exchanged their pleading.

6. Learned counsel for the petitioner in Writ B No.10204 of 1981 submitted that all the three impugned orders, passed by the consolidation authorities are wholly illegal, as such, are liable to

be set aside. He further submitted that in view of the pedigree as set up in paragraph no. 2 of the writ petition and other evidence adduced before the Consolidation Officer, the petitioner of Writ B No.10204 of 1981 are entitled to the share as claimed by him before Consolidation Officer. He submitted that the consolidation authorities have failed to consider the various compromise taken place in respect to disputed plots. He also submitted that share of Maharaj Singh, Kunwar Bahadur Singh and Raja Babu, has been wrongly determined in respect to khata no.39 & 40. He submitted that Jai Singh had 4 sons, namely, Sigdar Singh, Hazari Singh, Durga Singh & Prem Singh and Sigdar Singh has no issue, as such, share of Sigdar Singh has merged in share of Hazari Singh, Durga Singh and Prem Singh. He further submitted that Girendra Singh and Sultan Singh claimed 1/3 share in khata nos. 20, 24, 39 & 40 but appellate court and revisional court have rejected the claim of Girendra Singh and Sultan Singh on misconceived ground. He finally submitted that matter requires fresh consideration by Consolidation Officer.

7. No one appeared for petitioner in Writ B No.909 of 1981, 9020 of 1981 and 9019 of 1981 and matters are listed under hearing of oldest pending cases for priority hearing.

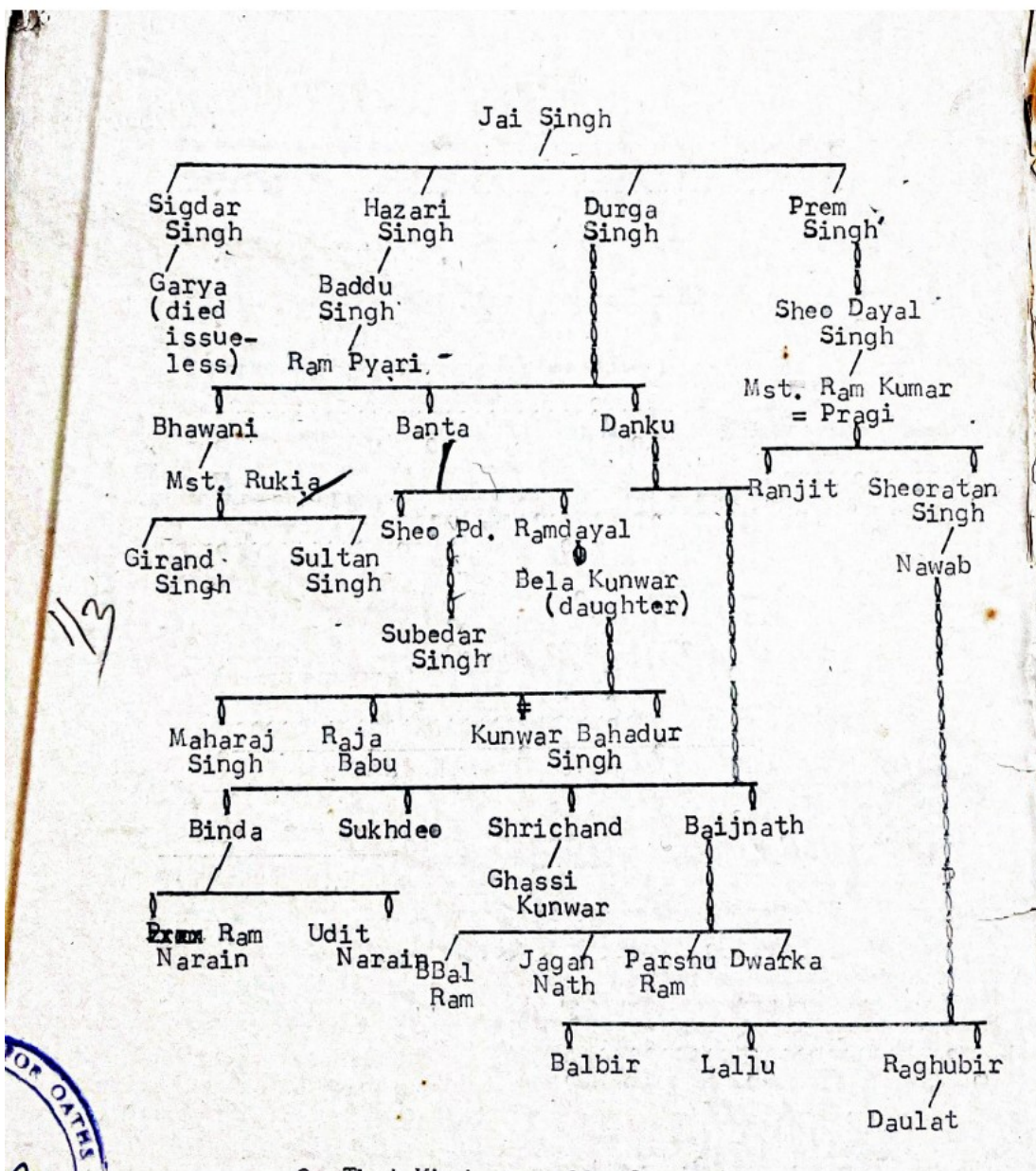
8. Learned standing counsel for the state-respondents submitted that no interference is required against the impugned orders passed by the consolidation authorities, determining the share of the parties in the proceeding under Section 9-A(2) of the U.P. C.H. Act.

9. I have considered the arguments advanced by learned counsel for the parties and perused the records.

10. There is no dispute about the fact that title objections under Section 9-A(2) of the U.P. C.H. Act, title appeals under Section

11(1) of the U.P. C.H. Act and title revisions under Section 48 of the U.P. C.H. Act have been decided under the impugned orders, determining the share of the parties in respect to khata in dispute.

11. In order to appreciate the controversy involved in the matter, the pedigree of the parties as mentioned in paragraph no.2 of the writ petition will be relevant which is as under:-



12. The Consolidation Officer after framing issues and considering the evidences adduced by the parties, decided the dispute regarding share, but parties were not satisfied,

accordingly they filed title appeals in which share was further modified by appellate court/Settlement Officer of Consolidation. Parties were not satisfied from appellate order and nine title revisions were filed by the parties, accordingly, revisional court/Deputy Director of Consolidation further modified the share of the parties which is correct exercise of revisional jurisdiction, determining the share of the parties which requires no further interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

13. The argument advanced by learned counsel for the petitioner in Writ B No.10204 of 1981 is misconceived, as such, the share determined under the impugned order cannot be further modified.

14. It is also material to mention that all the four writ petitions are pending before this Court for that last more than 44 years, as such, further remand before Consolidation Officer is not in the interest of justice rather to decide the matter finally in accordance with law.

15. Considering the entire fact and circumstances of the case, Writ B No.10204 of 1981 is dismissed.

16. Writ B No.9029 of 1981, Writ B No.9020 of 1981 and Writ B No.9019 of 1981 are dismissed for non-prosecution as no one appeared for petitioner in the aforementioned three writ petitions.

17. No order as to costs.

(Chandra Kumar Rai,J.)

January 30, 2026
C.Prakash