



2026:AHC:60255

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 661 of 2026

Tahir Ali And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Om Prakash Pandey
Counsel for Respondent(s)	:	Arti Srivastava, G.A., Ravindra Kumar Srivastava, Vikas Mani Srivastava

Court No. - 54

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Om Prakash Pandey, learned Counsel for the petitioners, Mr. Ravindra Kumar Srivastava, learned Counsel for respondent no.4 and Mr. Tarun Gaur, learned Standing Counsel for the State respondents.

2. The instant petition has been filed for the following relief:-

"To stay the effect and operation of the order dated 7.7.2025 order passed in case No. 0668 of 2020 (Kitab Ali Vs. Nisha) by the Consolidation Officer Final Record, Farenda, District Maharajganj."

3. This Court directed the learned Standing Counsel for the State respondents to obtain instruction in the matter.

4. Instruction dated 6.3.2026 sent by Settlement Officer of Consolidation was taken on record on 9.3.2026.

5. Learned Counsel for the petitioners submitted that Consolidation Officer has passed the order dated 7.7.2025 directing to record the name of respondent no.4-Nisha over the plots of khata Nos. 410 and 945. He submitted that against the order of Consolidation Officer dated 7.7.2025, appeal under Section 11 (1) of U.P.C.H. Act was filed on behalf of petitioners which was registered as appeal no. 582 of 2025. He submitted that in appeal, an application for interim relief was filed for staying the operation of the order dated 7.7.2025. He submitted that Settlement Officer of Consolidation has passed an order on the application of

petitioners to the effect that no interference be made in the harvesting of crops. He submitted that another order was passed by Settlement Officer of Consolidation that the harvesting will be made by the person who has sown the crops. He submitted that against the interim order passed in appeal, two revisions were filed by respondent no.4- Nisha before Deputy Director of Consolidation which were registered as revision No. 78 of 2026, computerized case No. 202654054700000078 and 79 of 2026, computerized case No.202654054700000079. He submitted that in order to lingering on the proceeding of title appeal, respondent no.4 has filed revisions which are pending before Deputy Director of Consolidation. He submitted that appropriate direction be issued staying the operation of the order of Consolidation Officer and Appellate Court/ Settlement Officer of Consolidation be directed to decide the appeal within the time bound period.

6. On the other hand, learned Counsel for respondent no.4 submitted that revisions filed by respondent no.4 are pending before Deputy Director of Consolidation, as such, instant writ petition filed for mandamus cannot be entertained. He submitted that Consolidation Officer has rightly decided the title dispute on merit, as such, no interim protection is required in the matter.

7. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

8. There is no dispute about the fact that title appeal under Section 11(1) of U.P.C.H. Act filed by petitioners is pending before Settlement Officer of Consolidation and against interim orders passed during pendency of title appeal, two revisions filed by respondent no.4 are pending before Deputy Director of Consolidation.

9. So far as grant of interim protection during pendency of proceeding is concern, this Court in the case reported in **2007 (102) RD 498, Ali Sher Vs. State of U.P. Through Collector, Bijnor and Others** has held that during pendency of appeal/ revision, interim protection be granted if order under appeal/ revision has serious consequences. Paragraph nos. 4 and 5 of the judgement rendered in **Ali Sher (Supra)** will be relevant for perusal which are as under:-

"4. It is well settled that once an appeal or revision is entertained by a higher Court against an order having civil consequences stay normally should be granted to avoid swinging pendulum unless the Court for the reasons to be recorded finds that there is no case for grant of stay as observed by the Hon'ble Apex Court in the case of Mool Chand v. Raza Buland Sugar Industries."

5. Considering the facts and circumstances, impugned order dated 16.11.2006 is hereby quashed. Writ petition stands allowed. Appellate Court is directed to disposal of the appeal of petitioner in accordance with law as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order before him and till the disposal of appeal as directed above, parties shall maintain status quo with regard to nature and possession over the land in dispute."

10. Considering the facts and circumstances of the case, the interest of justice requires that pending title appeal should be decided on merit within time bound period and till the pendency of appeal, the interim protection be granted in the matter.

11. So far as the pendency of revisions are concerned which relates to grant of interim protection in appeal by the Settlement Officer of Consolidation, as such, the fate of revision will depend upon the order passed in the instant writ petition regarding grant of interim protection during pendency of title appeal.

12. Considering the entire facts and circumstances of the case, the respondent no.2, Settlement Officer of Consolidation, Maharajganj is directed to decide the appeal No. 582 of 2025 under Section 11 (1) of U.P.C.H. Act expeditiously preferably within period of three months from the date of production of certified copy of this order after affording proper opportunity of hearing to the parties and without grant unnecessary adjournment to the parties. It is further directed that till the pendency of aforementioned appeal under Section 11 (1) of U.P.C.H. Act, the effect and operation of the order dated 7.7.2025 passed by Consolidation Officer in case No. 668 of 2020 under Section 9A (2) of U.P.C.H. Act shall

remain in abeyance as well as parties shall maintain status quo with respect to nature and possession of the plot in dispute. The Deputy Director of Consolidation is directed to pass necessary order for disposing of the pending revision so that the appeal can be decided by Settlement Officer of Consolidation in compliance of the order of this Court. The Deputy Director of Consolidation is also directed to transmit the record of appeal No. 582 of 2025 forthwith to appellate Court which was summoned in revision before Deputy Director of Consolidation.

13. With the aforementioned direction, the instant writ petition is finally **disposed of.**

(Chandra Kumar Rai,J.)

March 23, 2026

Vandana Y.