



2026:AHC:64623

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 760 of 2026

Sushila Devi

.....Petitioner(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Kshitij Pal Singh, Rachana Singh, Satish Kumar Pandey
Counsel for Respondent(s)	: Abhay Pratap Singh, C.S.C., Krishna Anand, Virendra Singh

Court No. - 54

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Satish Kumar Pandey, learned counsel for the petitioner, Mr. Virendra Singh, learned Counsel for respondent no.4 and Mr. Ashish Chand Nishad, learned Standing Counsel for the State-respondents.

2. Brief facts of the case are that the order under Section 6-A of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as "U.P.C.H. Act") was passed by the Assistant Consolidation Officer on 10.12.2023 for recording the name of petitioner/ Sushila Devi on the basis of sale deed dated 26.4.2012. Respondent no.4 filed an appeal on 25.9.2024 under Section 11 (1) of U.P.C.H. Act along with prayer for condonation of delay. Settlement Officer of Consolidation vide order dated 3.12.2024 granted benefit of Section 5 of Limitation Act after affording opportunity of hearing to the parties as well as set aside the order dated 10.12.2023 passed by Assistant Consolidation Officer in Case No.191, under Section 6-A of U.P.C.H. Act and remitted the matter before Assistant Consolidation Officer to proceed in accordance with law in the matter with specific direction that in case of dispute the matter shall be referred to Consolidation Officer. Against the order of Settlement Officer of Consolidation dated 3.12.2024, revision under Section 48 of U.P.C.H. Act was filed by the petitioner, which has been dismissed under the impugned order dated 29.7.2025. Hence this writ petition for the following reliefs:

"I. Issue a writ order or direction in the nature of certiorari for quashing the impugned judgment/order dated 29.7.2025 passed by Deputy Director of

Consolidation/Chief Revenue Officer, Deoria in Case No.0501/2025 (computerized Case No.20255405200000501) (Sushila Devi Vs. Lalsapati Devi) U/s 48(1) of UPCH Act as well as judgment/order dated 3.12.2024 passed by the Settlement Officer Consolidation, Deoria in Case No. 0796/2024 (Computerized Case No.202454052000000796) (Lalsapati Vs. Sushila) U/s 11 of UPCH Act 1953 (Annexure No.1 & 2 to the writ petition) respectively."

3. Learned counsel for the petitioner submitted that there was no illegality in passing the order under Section 6-A of U.P.C.H. Act in favour of petitioner on the basis of sale deed dated 26.4.2012. He further submitted that the Civil Suit No.857 of 2012 filed by Bachha, husband of respondent no.4 & father of respondent no.5, was dismissed for non-prosecution. He further submitted that another civil suit for cancellation of sale deed dated 26.4.2012 filed by respondent no.5/ Rajesh is pending before Civil Court. He further submitted that the time barred appeal filed by respondent no.4 has been allowed in illegal and arbitrary manner. He further submitted that the revision filed by petitioner has been dismissed without considering the case as setup in revision. He further submitted that the impugned appellate order as well as revisional order should be set aside and order dated 10.12.2023 passed under Section 6-A of U.P.C.H. Act should be maintained.

4. On the other hand, learned counsel for respondent no.4 submitted that the order under Section 6-A of U.P.C.H. Act cannot be passed if there is a dispute in the matter. He further submitted that without notice and opportunity of hearing to private respondent nos.4 & 5, the order under Section 6-A of U.P.C.H. Act has been passed, as such, appeal under Section 11 (1) of U.P.C.H. Act along with prayer for condonation of delay filed on behalf of respondent no.4 has been allowed in proper manner after condoning the delay in filing the appeal. He further submitted that the matter has been remanded back before the Assistant Consolidation Officer to proceed in accordance with law by referring the dispute before Consolidation Officer in case there is any dispute in the matter. He further submitted that in pursuance of the appellate order the matter shall be decided by Consolidation Officer in accordance with law after affording proper opportunity of hearing to both parties, as such, no interference is required in the matter.

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

6. In order to appreciate the controversy involved in the matter, perusal of Section 6- A of U.P.C.H. Act will be relevant, which is as under:-

" [6-A. Special provision with respect to undisputed succession or transfer. -

(1) After the publication of notification under sub-section (2) of Section 4 or Section 4-A and before the start of the proceeding under Section 8, a case of undisputed succession shall be disposed of by the Consolidator, and a case of undisputed mutation on the basis of transfer shall be disposed of by the Assistant Consolidation Officer, in such manner and after making such inquiry as may be prescribed :

Provided that no case shall be entertained, continued or disposed of under this section after start of the proceeding under Section 8.

(2) An order made under sub-section (1) shall not be a bar to an objection under Section 9.]"

7. In the instant matter respondent nos.4 & 5 are disputing the claim of petitioner, as such, order cannot be passed under Section 6-A of U.P.C.H. Act.

8. The appellate Court has properly exercised the jurisdiction setting aside the order passed under Section 6-A of U.P.C.H. Act and remitted the matter before Assistant Consolidation Officer to proceed according to the provisions of U.P.C.H. Act. The jurisdiction exercised by the Settlement Officer of Consolidation is in accordance with law.

9. No interference is required in the matter.

10. The writ petition is dismissed accordingly. It is directed that the Assistant Consolidation Officer shall proceed in pursuance of the order of Settlement Officer of Consolidation dated 3.12.2024 and Consolidation Officer shall decide the dispute after affording proper opportunity of hearing to the parties, expeditiously preferably within a period of six

months from the date of registration of the proceeding before Consolidation Office.

(Chandra Kumar Rai,J.)

March 28, 2026

Rameez