



2026:AHC:63684

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 977 of 2026

Bhallar Singh

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Krishna Kant Dwivedi, Prakash Mishra
Counsel for Respondent(s) : C.S.C.

Court No. - 54

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Krishna Kant Dwivedi, learned counsel for the petitioner, Mr. Ashutosh Kumar Rai, learned Additional Chief Standing Counsel for the State-respondents.

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

"i. issue writ, order or direction in the appropriate nature quashing the unreasoned order dated 22.11.25 passed by the respondent no. 2 in case no. 1450/2025 computerize case no. 202554147000001450, Kamla Prasad Singh and others Vs. Bhallar Singh and others (Ann. 1 to the writ petition).

ii. issue writ, order or direction in the nature of Mandamus directing and commanding the respondent no. 2 to decide the case no. 1450/2025 computerize case no. 202554147000001450, Kamla Prasad Singh and others Vs. Bhallar Singh and others, pending since 19.11.2025"

3. Brief facts of the case are that title dispute has been finally decided by this Court in Writ B No.7655 of 1982 and Writ B No.9380 of 1982 vide judgement dated 18.3.2025. The aforementioned judgment of

this Court has been maintained by the Apex Court vide order dated 23.3.2026. He submitted that proceeding under Rule 109-A (3) of U.P.Consolidation of Holdings Rules, 1954 (hereinafter referred to as the 'U.P.C.H.Rules') initiated by petitioner in pursuance of the final judgement of this Court dated 18.3.2025 was allowed by Consolidation Officer vide order dated 13.11.2025. He submitted that an appeal under Rule 109-A(3) of U.P.C.H. Rules has been filed by private respondents and appellate court has granted interim order for maintaining status quo but appeal is still pending. He submitted that order granting interim protection by the Settlement Officer of Consolidation in appeal under Rule 109-A(3) of U.P.C.H. Rules is wholly illegal as proceeding under Section 9-A(2) of U.P.C.H. Act has already been attained finality as such there is no illegality in the order passed by Consolidation Officer under Rule 109-A of U.P.C.H. Rules. He submitted that order granting interim protection should be set aside and pending appeal should be decided within time bound period so that litigation which is going on between the party for more than 50 years could come to an end.

4. I have considered the arguments advanced by learned counsel for the petitioner and perused the record.

5. There is no dispute about the fact that title dispute has been finally adjudicated between the petitioner and private respondents and Consolidation Officer in the proceeding under Rule 109-A of U.P.C.H.Rules has passed order in compliance of the final judgement passed by this Court in the proceeding under Section 9-A(2) of U.P.C.H.Act.

6. It is material to mention that **SLP (civil) No.32843 of 2015 (Kamla Prasad vs. D.D.C. And others)** before the Apex Court has been dismissed on 23.3.2026 as such there is no illegality in the order passed by Consolidation Officer under Rule 109-A of U.P.C.H. Rules.

7. So far as the filling of appeal under Rule 109-A (3) of U.P.C.H. Rules is concerned, the same should be decided by Settlement Officer of Consolidation in accordance with law but order granting interim protection for maintaining status quo is not required in the proceeding under Rule 109-A of U.P.C.H. Rule rather entire appeal under Rule 109-A (3) of U.P.C.H. Rules should be decided within time bound period in accordance with law.

8. Considering the entire facts and circumstances of the case, order dated 22.11.2025 passed by respondent no.2-Settlement Officer of Consolidation, Varanasi in case no.1450 of 2025 computerized case no.202554147000001450 is hereby set aside. **The writ petition stands allowed.** Respondent No.2-Settlement Officer of Consolidation, Varanasi is directed to decide the case no.1450 of 2025 within a period of six weeks from the date of production of certified copy of this order before him.

9. Since the notice has not been issued to private respondents, as such private respondents have full opportunity to file recall application before this Court against this order, if they have any grievance against this order.

March 25, 2026
PS*

(Chandra Kumar Rai,J.)