



2026:AHC:44469

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 738 of 2026

Mahesh Chandra

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amar Nath Tiwari, Anmol Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Amar Nath Tiwari, learned counsel for the petitioner and Mr. T.P. Gupta, learned Standing Counsel for the State-respondents.

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

"I. Issue a writ of certiorari to set aside the Order dated 20.01.2026 passed by Learned Board of Revenue U.P. Prayagraj and direct to remit the matter before the consolidation court by abating the revision no. 34/2007-2008.

ii. Issue a writ, order or direction in the nature of mandamus directing to consolidation officer Bahedi District Bareilly to decide the conflict same which is running between parties concerned taking in knowledge that aforesaid revision no. 34/2007- 2008 which is pending before Learned Board of Revenue U.P. Prayagraj is as abated."

3. Learned counsel for the petitioner submitted that the revision filed by private respondent against the order passed in appeal remanding the matter before the trial Court in respect to the proceeding under Section 229-B of U.P.Z.A. & L.R. Act is pending before the Board of Revenue. He further submitted that during pendency of the revision before Board of Revenue village has been brought under the consolidation operation by way of notification issued under Section 4 of U.P.C.H. Act on 23.3.2024. He further submitted that abatement application filed on behalf of petitioner before board of revenue has been rejected by the Board of Revenue on the ground that restoration proceeding will not abate due to consolidation operation. He further submitted that impugned order passed

by the Board of Revenue should be set aside and proceeding should be abated so that party may contest before the Consolidation Court for redressal of their grievance in accordance with law.

4. I have considered the argument advanced by learned counsel for the petitioner and perused the records.

5. There is no dispute about the fact that during pendency of the revision village has been brought under consolidation operation, accordingly, application for abatement has been filed which has been rejected under the impugned order on the ground that revision arises out of restoration proceeding, as such, proceeding will not abate.

6. This Court in the case reported in **2016(131) RD 30 Thakur RamJanki Ji Virajman Mandir and Other Versus Board of Revenue U.P. and Other** has held that restoration proceeding will not abate due to consolidation operation in the village in question.

7. Considering the aforementioned facts and circumstances of the case, there is no illegality in the impugned order rejecting the abatement application due to consolidation operation in the village in question.

8. The revision filed by private respondent is pending before the Board of Revenue since 2007 as such the same should be decided expeditiously.

9. Considering the entire facts and circumstances of the case, the instant writ petition is disposed of finally directing the Board of Revenue, U.P., at Prayagraj to decide the Revision No.34 of 2007-2008 by the next date fixed in the matter or in any case within four weeks from the date of production of certified copy of this order after affording opportunity of hearing to the parties in accordance with law.

(Chandra Kumar Rai,J.)

February 19, 2026

Rameez