



2026:AHC:25610

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 339 of 2026

Vijay Nath

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Krishna Kumar Mishra, Sudhir Kumar Shukla
Counsel for Respondent(s)	: C.S.C., Ram Sagar Yadav

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned counsel for the private contesting respondent No. 4, and learned Standing Counsel representing State-respondents No. 1 to 3.

2. In view of the peculiar facts and circumstances of the present case and the order proposed to be passed hereunder, this Court proceeds to decide the instant writ petition finally, with the consent of the learned counsel for the parties present, without calling for their respective affidavits and without putting notice to the Respondent No. 5, who is a brother of the present petitioner.

3. The petitioner is aggrieved by the order dated 07.07.2014 passed by the Consolidation Officer, affirmed by Deputy Director of Consolidation vide order dated 24.12.2021 passed in revision, and order dated 17.12.2025 passed in restoration application, whereby an opportunity of the present petitioner to adduce evidence was closed.

4. Facts culled out from the record are that the present petitioner and respondent No. 5 have filed objection dated 16.02.1985 under Section 9A(2) of Uttar Pradesh Consolidation of Holdings Act (in brevity 'UPCH Act') claiming their bhumidhari right over the plots No. 41, 65, 80, 378, 387 and 388 of Khata No. 253 against the State and the Gaon Sabha. The Consolidation Officer, vide order dated 07.07.2014, has closed the opportunity of the present petitioner to adduce evidence. On revision being filed on behalf of the petitioner, the Deputy Director of Consolidation, vide order dated 24.12.2021, has affirmed the order passed by the Consolidation Officer and dismissed the revision on the ground of maintainability. The restoration application dated 24.12.2021 filed by the petitioner against the

order of the same date i.e. 24.12.2021 has been dismissed by the Deputy Director of Consolidation, having considered the same as an application in the nature of review, which is under challenge before this Court.

5. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, it transpires that the opportunity of the present petitioner to adduce evidence was closed vide order dated 07.07.2014. It is further evident that the objection under Section 9A(2) of UPCH Act has been pending since 1985, and the matter is still pending at the initial stage of recording the evidence of the petitioner, who has filed objection before the Consolidation Officer.

6. Learned counsel for the contesting-respondent No. 4, as well as learned Standing Counsel, have no objection, in case, one opportunity is granted to the present petitioner to adduce his evidence within a stipulated period as may be directed by this Court.

7. In this conspectus, as above, no useful purpose would be served by keeping the instant writ petition pending. Therefore, the same is being decided finally with the consent of the parties, affording one last opportunity to the petitioner for adducing his evidence. As such, the instant writ petition succeeds and is allowed. The order dated 07.07.2014 passed by the Consolidation Officer, order dated 24.12.2021, as well as order dated 17.12.2025 passed by the Deputy Director of Consolidation are hereby quashed. Both the parties are directed to appear before the Consolidation Officer concerned on 09.03.2026. Further, the parties are relegated to the Consolidation Officer concerned to complete their evidence, subject to the following conditions:

(i) Petitioner shall file all documentary evidence on which he wants to rely upon alongwith the statement of his witnesses (Examination-in-Chief), on or before the next date fixed i.e. 09.03.2026.

(ii) Cross examination of the plaintiff witness, if any, shall be completed thereafter by 07.04.2026.

(iii) The contesting-respondents, the State as well as Gaon Sabha shall complete their evidences within one month thereafter.

(iv) The Consolidation Officer shall make endeavour to decide the entire proceeding, which is pending since 1985, within a period of three months from 09.03.2026.

8. It is made clear that no further time shall be accorded to the present

petitioner to adduce evidence, in case, he fails to comply with the order of the day.

February 5, 2026
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(Dinesh Pathak,J.)