



2026:AHC:55103

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL No. - 263 of 2026

Narendra Sharma And Another

.....Appellant(s)

Versus

Hitesh Kumar And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	: Gajala Srivastava, Harsh Srivastava, Manish
Counsel for Respondent(s)	: Ishwar Kumar Upadhyay, Manoj Kumar Singh

Court No. - 38

HON'BLE SANDEEP JAIN, J.

1. The instant appeal has been filed by the appellants under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the impugned judgment and decree dated 20.01.2026 passed by the Presiding Officer, LARRA, Gautam Buddh Nagar in proceeding under Section 30 of the Land Acquisition Act, 1894 bearing L.A.R. No.36 of 2022 (Old No.29 of 2017) (Narendra Kumar Sharma and another vs. Hitesh Kumar and others), whereby shares of the parties in the compensation regarding acquired land is concerned, has been determined.

2. Learned counsel for the appellants submitted that the appellants are the sons of deceased Bharti @ Bharat Lal Sharma, who died on 04.04.2000, who never married Vimla @ Chiraunji Devi during his lifetime but fraudulently Vimla @ Chiraunji Devi managed to get her name mutated in the revenue record as wife of the deceased and she also managed to get family pension after the death of her alleged husband Bharti @ Bharat Lal Sharma, regarding which complaints were made by the appellants to the competent authorities wherein, an inquiry was initiated against her. It was further submitted that there was no documentary proof that Vimla @ Chiraunji Devi was the legally wedded wife of Bharti @ Bharat Lal Sharma, as such, her name could not have been mutated in the revenue record but still, her name was fraudulently mutated and the Reference Court has held her son Hitesh Kumar entitled to get compensation for the

acquired land, which is erroneous. Learned counsel further submitted that Vimla @ Chiraunji Devi executed a registered Will dated 29.07.2013 in favour of Hitesh Kumar in a fraudulent manner, which has been challenged by the appellants by filing case before the competent civil court, as such, on the basis of the alleged Will, Hitesh Kumar was not entitled to receive any compensation, but the Reference Court has held otherwise. It was further submitted that the matter was taken up to the High Court, as such, by order dated 20.01.2025, the appellants were given liberty to file a declaratory suit before the competent forum under Section 144 of the U.P. Revenue Code, 2006 for getting corrected the revenue entries, in compliance of which the appellants have filed a suit before the concerned S.D.M., which is pending for disposal. It was further submitted that since Vimla @ Chiraunji Devi was not legally wedded wife of Bharti @ Bharat Lal Sharma, as such, no compensation for the acquired land could have been awarded to her son Hitesh Kumar by the Reference Court by impugned order. With these submissions, it was prayed that the appeal be admitted for hearing.

3. Per contra, learned counsel for the respondent no.1 Hitesh Kumar submitted that the respondent's mother Vimla @ Chiraunji Devi was the legally wedded wife of appellant's father Bharti @ Bharat Lal Sharma, regarding which evidence was adduced before the Reference Court, which has recorded a positive finding to that effect. It was further submitted that since Vimla @ Chiraunji Devi was the legally wedded wife of Bharti @ Bharat Lal Sharma, as such, after the death of Bharti @ Bharat Lal Sharma on 04.04.2000, her name was mutated as a legal heir in the revenue records and since she was nominated for receiving family pension in the official records, as such, Vimla @ Chiraunji Devi also received family pension from the State of U.P., which conclusively proves that she was the legally wedded wife of Bharti @ Bharat Lal Sharma. It was further submitted that the marital status of Vimla @ Chiraunji Devi was never challenged during the life time of her husband Bharti @ Bharat Lal Sharma. It was further submitted that in proceedings under Section 144 of the U.P. Revenue Code, 2006, the marital status of Vimla @ Chiraunji Devi cannot be determined since only the Family Court was competent to decide this controversy but no proceeding has been initiated by the appellants before the competent court. It was further

submitted that Vimla @ Chiraunji Devi has died on 03.01.2014 and before her death, she has executed a registered Will dated 29.07.2013 in favour of her son Hitesh Kumar, on the basis of which Hitesh Kumar has acquired ownership of half share in the acquired land. It was further submitted that no competent court as yet has held that Vimla @ Chiraunji Devi was not the legally wedded wife of Bharti @ Bharat Lal Sharma, as such, her marital status till date is intact and further the revenue entries still conclusively prove that she was the owner of the acquired land, as such, she was entitled to receive compensation for the acquired land. With these submissions, it was prayed that the appeal is meritless and is liable to be dismissed at the admission stage.

4. I have heard learned counsel for the parties and perused the impugned judgment and documents submitted with the appeal.

5. In the instant appeal it is to be decided that for the acquired land situated in Khata No.130, Gata No.506 area 0.7180 hectare, situated in Village Bhaipur Brahamnan, Khata No.139, Gata No.965 area 0.1260 hectare, Gata No.978 area 0.1363 hectare, Gata No.979 area 0.0922 hectare and Gata No.983 area 0.0010 hectare situated in village Mehndipur Bangar, who are entitled to receive compensation and to what extent?

6. It is apparent that in the revenue records, the above acquired land was in the name of Bharti @ Bharat Lal Sharma, who died on 04.04.2000 and after his death in accordance with Section 171 of the U.P.Z.A. & L.R. Act, 1950, the names of his sons, Narendra Kumar Sharma and Dinesh Kumar Sharma, Hitesh Kumar (other son) who are the appellants and respondent no.1, and his wife Vimla @ Chiraunji Devi were recorded as bhumidhar of the acquired land. It is further apparent that Bharti @ Bharat Lal Sharma retired from U.P. Police and was getting pension and during his life time, he had nominated his wife Vimla @ Chiraunji Devi to receive family pension and in view of this, after the death of Bharti @ Bharat Lal Sharma, Vimla @ Chiraunji Devi was getting family pension. It is further apparent that for getting the revenue entry corrected, the appellants initiated proceedings before the competent revenue court under Section 34 of Land Revenue Act, which was dismissed on 28.12.2016, thereafter, the appellants preferred an appeal under Section 210 of

U.P.Z.A. & L.R. Act, 1950, which was dismissed on 08.01.2018 and thereafter, the appellants preferred a revision before the Commissioner Meerut Division, Meerut under Section 219 of the Land Revenue Act, which was also dismissed on 05.10.2018 and the order was further challenged by filing Writ-C No.36883 of 2024 (Narendra Kumar Sharma and another vs. Additional Commissioner and others), which was disposed by this Court by order dated 20.01.2025, whereby the appellants were given liberty to file a declaratory suit before the competent forum under Section 144 of the U.P. Revenue Code, 2006. It is apparent that the name of Vimla @ Chiraunji Devi was mutated as a legal heir of deceased Bharti @ Bharat Lal Sharma in the revenue records, which was never deleted, as such, she continued to remain owner of the acquired land till her death and after her death on the basis of her Will, the name of her son Hitesh Kumar has been mutated in the revenue record.

7. It is further apparent that the appellants have challenged the Will, by filing O.S. No.101 of 2014 Narendra vs. Hitesh, for the cancellation of the Will dated 29.07.2013; which is pending in the court of Civil Judge(Junior Division), Jewar Gautam Buddh Nagar, but on the basis of the alleged Will, the name of Hitesh Kumar has already been mutated as legal heir of deceased Vimla @ Chiraunji Devi.

8. It is further apparent that the appellants initiated several criminal proceedings against Vimla @ Chiraunji Devi but since she died, as such, all the criminal proceedings were abated. It is further apparent that no Court has till date held that Vimla @ Chiraunji Devi was not the legally wedded wife of Bharti @ Bharat Lal Sharma and further, in the proceedings initiated by the appellants, under Section 144 of U.P. Revenue Code, 2006, the marital status of Vimla @ Chiraunji Devi cannot be decided. If the appellants intended to challenge her marital status then they ought to have initiated proceedings before the competent Family Court constituted under the Family Court's Act, 1984 but no such proceeding was initiated by the appellants for challenging the marital status of Vimla @ Chiraunji Devi, as such, there is no positive finding till date that she was not the legally wedded wife of Bharti @ Bharat Lal Sharma.

9. The Reference Court has also considered that out of wedlock of Bharti

@ Bharat Lal Sharma and Vimla @ Chiraunji Devi, three daughters namely Sunita, Nootan, Lovely and one son Hitesh Kumar were born and the electoral roll of village Bhaipur, Brahmanan also discloses that Vimla @ Chiraunji Devi was the wife of Bharti @ Bharat Lal Sharma and Hitesh Kumar was the son of Bharti @ Bharat Lal Sharma and further the high school certificate of the year 1988, of Hitesh Kumar also discloses his father's name as Bharti @ Bharat Lal Sharma. The reference court also considered that in Pa Ka 11, the name of Vimla @ Chiraunji Devi was recorded as wife of Bharti @ Bharat Lal Sharma along with the appellants and Hitesh Kumar, which remains affirmed by the High Court in Writ-C No.36883 of 2024. The Reference Court has considered all these issues elaborately and has recorded a finding that there is no evidence to presume that Vimla @ Chiraunji Devi was not the wife of Bharti @ Bharat Lal Sharma, as such, on the basis of the revenue records and the Will executed by Vimla @ Chiraunji Devi in her life time in favour of Hitesh Kumar, has concluded that each of the appellants were entitled to get compensation regarding their 1/4th share in the acquired land and the respondent Hitesh Kumar was entitled to receive compensation of half share of the acquired land.

10. In view of the above findings, there is no perversity in the finding of the Reference Court which warrants interference by this Court in exercise of its appellate jurisdiction. The instant appeal is meritless and is liable to be dismissed at the admission stage.

11. Accordingly, the instant appeal is dismissed at the admission stage . The impugned judgment and decree of the lower court dated 20.01.2026 is affirmed.

(Sandeep Jain,J.)

March 18, 2026

Jitendra