



2026:AHC:15940

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4204 of 2025

Ramashray

.....Petitioner(s)

Versus

State Of U.P. And 15 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ajay Shankar, Triveni Shanker
Counsel for Respondent(s) : C.S.C., R S Dubey, Rameshwar
Prasad Shukla, Savita Dubey,
Umesh Kumar Prasad

Reserved On:- 2.12.2025

Delivered On 22.1.2026

Court No. - 55

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Mr. Triveni Shanker, learned Senior Counsel assisted by Ms. Garima Jaiswal, learned counsel for the petitioner, Mr. R.S. Dubey, learned counsel for respondent no.5, Mr. Ashutosh Kumar Rai, learned Additional Chief Standing Counsel for the State-respondents and Mr. Rameshwar Prasad Shukla, learned counsel for respondent no.4/ Gram Panchayat.

2. Brief facts of the case are that petitioner is chak holder no.227-ba of the plots situated in Village-Shahpur, Pargana-Khareed, Tehsil-Bansdeh, District-Ballia. Original holding of the petitioner are plot No.16/2 area 0.170 hectare, 169 area 0.125 hectare, 233/1 area 0.261 hectare, 233/2 area 0.010 hectare, 286 area 0.134 hectare, 289 area 0.198 hectare total 6 plots area 0.898 hectare as mentioned in paragraph No.5 of the writ petition. Consolidation Officer under Section 9-A (2) of U.P. Consolidation of Holdings Act, 1953 (herein

after referred to as the U.P.C.H. Act) divided share of Ram Suresh as 1/4, Ramashray, 1/4, Shiv Shankar 1/4, Rajaram 1/4. Petitioner was proposed two chaks by Assistant Consolidation Officer. First chak was proposed to petitioner on plot No.288 M, 289 M and second chak was proposed to petitioner on plot No.233 M, 233M, 233 M total 5 plots area 0.203 hectare. Against the proposal of the Assistant Consolidation Officer, chak objection was filed by respondent No.5-Rajaram, which was decided by Consolidation officer vide order dated 10.03.2008 disturbing the petitioner's chak. Against the order of Consolidation Officer dated 10.3.2008, petitioner filed an appeal under Section 21 (2) of the U.P.C.H. Act before Settlement Officer of Consolidation stating that he should be allotted chak at plot No.386 and 389. Settlement Officer of Consolidation vide order dated 28.5.2008 allowed the appeal filed by petitioner and allotted chak to petitioner on plot No.15M, 16M, 17 M and respondent No.5-Rajaram was allotted chak on plot No.288 M, 289, 233M. Against the appellate order dated 28.5.2008, respondent No.5-Rajaram filed chak revision claiming the allotment of chak on his original plot no.16/2 area 0.42 decimal. The aforementioned chak revision filed by respondent No.5-Rajaram, remained pending for about 16 years. During pendency of the aforementioned chak revision, Ram Suresh has expired and legal heirs of deceased Ram Suresh have also expired as well as certain other person in the revision have also expired, but no substitution application has been filed in the pending chak revision. Deputy Director of Consolidation vide order dated 15.7.2025 allowed the revision and disturbed the petitioner's chak by taking out the plot No.15M, 16M and 17 M from the chak of the petitioner and allotted the same to the respondent No.5-Rajaram. Hence this writ petition for the following relief:-

"(a) Issue a writ, order or direction in the nature of

certiorari quashing the impugned order dated 15.7.2025 (Annexure No.1) passed by Deputy Director of Consolidation, Ballia."

3. This Court entertained the matter on 17.10.2025 and stayed the effect and operation of the impugned revisional order dated 15.7.2025. The order dated 17.10.2025 runs as under:-

"1. Counsel for the petitioner is permitted to make necessary corrections in the prayer clause of the writ petition during the course of the day.

2. Heard Sri Triveni Shankar, learned counsel for the petitioner, Sri R.S. Dubey, learned counsel for respondent no.5, learned standing counsel for the state-respondents and Sri Rameshwar Prasad Shukla, learned counsel for the respondent-gaon sabha.

3. Counsel for the petitioner submitted that at the revisional stage, the chak of the petitioner has been disturbed without considering the comparative hardship of the petitioner in proper manner. He further submitted that proper opportunity of hearing has also not been afforded to the petitioner by the revisional court.

4. On the other hand, learned counsel for private respondent no.5 submitted that there is no illegality in the impugned order, passed by the Deputy Director of Consolidation, adjusting both the parties in proper manner. He further submitted that the matter be decided finally as under the impugned order, chak of respondent no.5 has been affected only and chak of other private respondents not been affected under the

impugned order.

5. Matter requires consideration.

6. Respondent no.5 is the contesting respondent whose chak has been disturbed under the impugned order, as such, issuance of notices to the remaining private respondents shall be considered on the next date of hearing.

7. Respondent No.5 shall file counter affidavit within a week. Petitioner will file rejoinder affidavit within a week thereafter.

8. Put up this matter as fresh on 4.11.2025 at 12.00 P.M.

9. Until further orders of this Court, the effect and operation of the impugned revisional order dated 15.7.2025, passed by the Deputy Director of Consolidation, shall remain stayed as well as the parties to the writ petition shall maintain status quo with respect to nature and possession of the plot in dispute."

4. In pursuance of the order dated 17.10.2025, counter affidavit has been filed on behalf of respondent No.5 and petitioner has filed his rejoinder affidavit.

5. Notice has not been issued to other private respondents as chak of petitioner and respondent no.5 have been adjusted under the impugned orders which is very much demonstrated from the schedule prepared in support of impugned orders.

6. Learned counsel for the petitioner submitted that Settlement Officer of Consolidation has rightly decided the chak appeal filed by petitioner in the year 2008. He submitted that chak revision filed by respondent No.5 in the year 2008 remained pending for more than 16

years and several purpose have expired but without substituting the legal heirs of deceased party, the Deputy Director of Consolidation has passed the impugned order. He further submitted that without affording opportunity of hearing to the petitioner, chak revision filed by respondent No.5 has been allowed disturbing the chak allotment made by appellate court in the year 2008. He further submitted that in pursuance of the allotment made by Settlement officer of Consolidation in the year 2008 respondent No.5-Rajaram had changed the nature of the land allotted to him by Settlement officer of Consolidation taking out the earth for construction of brick which has been resulted into making the plot unfit for cultivation. He submitted that in any case, the petitioner cannot be allotted the chak on plot which has been made un-cultivable by respondent No.5-Rajaram. He submitted that allotment made by Settlement Officer of Consolidation should be maintained and the impugned revisional order should be set aside.

7. On the other hand, learned counsel appearing for respondent No.5 submitted that chak appeal filed by petitioner was allowed in illegal and arbitrary manner accordingly in chak revision, the Deputy Director of Consolidation has rightly adjusted the chak to the parties as prescribed under Section 19 of U.P.C.H. Act. He further submitted that respondent No.5-Rajaram has never sold the earth as submitted by learned counsel for the petitioner. He submitted that delay has been caused in deciding the revision as consolidation proceeding was cancelled by Consolidation Commissioner vide order dated 22.12.2008, but the order of cancellation was stayed by this Court vide order dated 21.5.2009. He further submitted that respondent No.5 is original chak holder of plot No.16M as such respondent No.5 has been adjusted over the same. He submitted that there is no illegality in the impugned revisional order passed by Deputy Director of Consolidation. adjusting petitioner No.1 and respondent No.5 to

their original plots as far as possible as provided under Section-19 of U.P.C.H. Act. He further submitted that no interference is required against the impugned revisional order and writ petition filed by petitioner should be dismissed.

8. I have considered the arguments advanced by the learned counsel for the parties and perused the record.

9. There is no dispute about the fact that in chak appeal filed by petitioner, petitioner was adjusted on plot No.15M, 16M, 17M and respondent No.5 was adjusted on plot No.288, 289, 233 but under the impugned revisional order passed after about more than 16 years, the petitioner has been allotted chak on plot Nos.289, 233, 288 and respondent No.5 has been allotted chak on plot No.15M, 16M and 17 M.

10. It is material to mention that under Section 19 of U.P.C.H. Act, it has been provided that as far as possible tenure holder should be allotted chak on their original plot, as such it is not necessary that each and every tenure holder should be allotted every chak on their original plots. In the instant matter the allotment which was made by Settlement Officer of Consolidation about 16 years before that was remained in operation for about 16 years as such the further change made by Deputy Director of Consolidation after 16 years is not in the interest of justice.

11. It is also material to mention that argument has been advanced by learned counsel for the petitioner that respondent No.5 has made plot No.233, 288 and 289 un-cultivable although counsel for the respondent has objected the argument advanced by learned counsel for the petitioner for making the plot unfit for cultivation. but the fact remains that allotment made by Settlement Officer of Consolidation about 16 years before has been changed by the Deputy Director of Consolidation without affording proper opportunity of hearing to

petitioner which is essential criteria for deciding the revision under Section 48 of U .P.C.H. Act.

11. It is also material to mention that after such a long period, further remand to the Deputy Director of Consolidation to decide the chak revision afresh against the allotment made by Settlement Officer of Consolidation in the year 2008, is also not in the interest of justice rather to finalize the allotment of one stage in the matter.

12. Considering the entire facts and circumstances of the case, the impugned revisional order dated 15.7.2025 passed by respondent No.2/Deputy Director of Consolidation is liable to be set aside and the same is hereby set aside.

13. The writ petition stands allowed and the order passed by Settlement Officer of Consolidation dated 28.5.2008 is hereby maintained.

14. No order as to costs.

January 22, 2026
PS*

(Chandra Kumar Rai,J.)