

# **Ram Mani Tiwari And 2 Others vs State Of U.P. And 4 Others on 30 April, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:67252

Court No. - 50

Case :- WRIT - B No. - 1531 of 2025

Petitioner :- Ram Mani Tiwari And 2 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Aditya Kumar Yadav,Ashanjali Singh,Garima Yadav

Counsel for Respondent :- C.S.C.,Shyamdhari Pandey

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. A.K. Yadav, learned counsel for the petitioners, Mr. S.D. Pandey, learned counsel for respondent no.4 and learned Standing Counsel for the State respondents.

2. Brief facts of the case are that proceeding under Section 9A (2) of the U.P. Consolidation of Holdings Act, 1953 hereinafter referred to as U.P.C.H. Act has been initiated at the instance of respondent nos. 4 and 5 which has been registered as case under Section 9A (2) of the U.P.C.H. Act before Consolidation Officer. In the aforementioned proceeding under Section 9A (2) of the U.P.C.H. Act, an order dated 7.1.2022 was passed by Consolidation Officer admitting the proceeding and fixing 13.1.2022 for filing reply as well as framing issues in the proceeding. Another order was passed by Consolidation Officer on 24.2.2022 fixing the proceeding for reply and framing of issues after deciding the application of Aruna Devi. Against the order dated 7.1.2022/ 24.2.2022, revision under Section 48 of the U.P.C.H. Act was filed by Aruna Devi (mother of the petitioners). The aforementioned revision was registered as case No. 0142 of 2025 computerized case No

202554165300000142. The aforementioned revision was heard and dismissed by Additional District Magistrate (Land Revenue)/ Deputy Director of Consolidation Mirzapur vide order dated 10.3.2025 directing the Consolidation Officer to decide the pending objection on merit within period of one month. Hence this writ petition for the following reliefs:-

"(i) issue a writ, order or direction in the nature of certiorari calling for record and quash the order dated 10.3.2025 passed by respondent no.2 in revision No. 664/2025 (Case No. 0142/2025) Computerized case No. 202554165300000142 (Aruna Devi Vs. Girja Shankar) and order passed by respondent no.3 dated 7.1.2022 and 22.2.2022 and the further proceeding pursuant thereto.

(ii) Issue a writ, order or direction in the nature of mandamus and restrain the contesting respondent from creating hindrance and interfering in the peaceful possession of the petitioners over the land in dispute."

3. It is also material to mention that one Writ B No. 10571 of 1986 was filed by Smt. Gayatri Devi arising out of proceeding under Section 5C (2) of U.P.C.H. Act. In the aforementioned Writ B No. 10571 of 1986, this Court vide interim order dated 20.9.1989 restrained the opposite party No. 15/ Surya Bali from making any pakaa construction over plot No. 355/1. Petitioners are vendees of Surya Bali. The aforementioned writ petition was finally decided by this Court vide order dated 27.9.2023 with direction that Consolidation Officer shall decide the pending objection under Section 9A (2) of the U.P.C.H. Act within period of one year from the date of passing of the order dated 27.9.2023. More than one year has passed but till date the aforementioned objection under Section 9A (2) of the U.P.C.H. Act has not been decided rather this writ petition has been filed that title objection cannot proceed.

4. Counsel for the petitioner submitted that petitioners are bona fide purchaser of the plot in question by way of registered sale deed, as such, the petitioner cannot be restrained from making alteration in the construction which has been raised by the petitioner over the plot in question. He further submitted that Consolidation Officer has not considered the objection of the petitioners in proper manner and has illegally admitted the objection under Section 9A (2) of the U.P.C.H. Act under the impugned order. He submitted that revision filed by petitioners has not been decided in proper manner considering the ground set up in the revision. He submitted that impugned orders passed by Consolidation Officer as well as Deputy Director of Consolidation should be set aside and Consolidation Officer be directed to decide the maintainability question afresh.

5. On the other hand, Mr. S.D. Pandey, learned counsel for respondent no.4 submitted that title objection filed in the year 1983 is still pending before Consolidation Officer, as such, no interference is required in the matter. He further submitted that this Court while deciding the earlier writ petition has directed the Consolidation Officer to decide the pending title objection within period of one year but in spite of expiry of more than one and half year, the title objection has not been decided due to the dilatory tactics adopted by the petitioners. He submitted that Consolidation Officer under the impugned order has only admitted the objection, fixed a date for filing reply as well as for framing issues in the objection but petitioners have challenged the order in revision and

now writ petition before this Court, as such, writ petition should be dismissed with heavy cost against the petitioners.

6. I have considered the arguments advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that title objection filed in the year 1983 under Section 9A (2) of the U.P.C.H. Act in respect to plot No. 355/1 is still pending before respondent no.3, Consolidation Officer Ram Bagh Mirzapur. There is also no dispute about the fact that this Court in the earlier writ petition has directed the Consolidation Officer to decide the dispute within period of one year but in spite of expiry of more than one and half year, the title objection has not been decided.

8. Consolidation Officer under the impugned order has only admitted the objection and fixed the proceeding for filing reply by the opposite party as well as for framing issues which has been maintained by the Deputy Director of Consolidation under the impugned revisional order. The petitioners have misused the process of law by challenging the order of Consolidation Officer admitting the title objection and fixing date for framing issues, as such, writ petition cannot be entertained rather the writ petition should be dismissed with cost so that title objection can be decided on merit.

9. It is material to mention that title objection filed in the year 1983 is still pending before Consolidation Officer at the initial stage even after expiry of more than 42 years from the date of filing of title objection.

10. Considering the facts and circumstances of the case and the conduct of the petitioner, the writ petition is dismissed with cost of Rs. 15,000/-. The petitioners shall pay the cost of Rs. 15,000/- to respondent no.4 (Girja Shankar) before the Consolidation Officer who shall record the fact of payment of cost in the order sheet maintained by the Court of Consolidation Officer. Subject to payment of cost by petitioners, Consolidation Officer shall conclude the proceeding of aforementioned title objection within period of three months from the date of production of certified copy of this order before Consolidation Officer.

Order Date :- 30.4.2025 Vandana Y.