

Matabadal vs District Magistrate/ Deputy Director ... on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68605

Court No. - 50

Case :- WRIT - B No. - 1385 of 2025

Petitioner :- Matabadal

Respondent :- District Magistrate/ Deputy Director Of Consolidation And 3 Others

Counsel for Petitioner :- Ram Singh

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Ram Singh, learned counsel for the petitioner and Mr. Pankaj Kumar, learned Standing Counsel for the State-respondents.

2. Brief facts of the case are that the Village- Mau, Pargana & Tahsil- Baberu, District- Banda was notified under Section 4 (2) of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as "U.P.C.H. Act") vide notification dated 16.3.1985. In Paragraph no.8 of the writ petition, the particulars of the case number, date of judgement and particulars of the plot numbers are mentioned by which the orders were passed by the consolidation authorities in respect to the plot in question in favour of the petitioner. The date of the orders are 30.6.1990, 26.7.1989, 5.5.1988 & 22.9.1987. Village in question was notified under Section 6 (1) of U.P.C.H. Act on 17.9.2003. Petitioner has approached the authorities for recording of his name in view of the provisions contained under Section 6 (2) of U.P.C.H. Act by way of application but no steps has been taken by the authorities. Hence this writ petition for the following reliefs:

"i. issue a writ, order or direction in the nature of mandamus commanding the respondent no.1/ District Magistrate/ Deputy Director of Consolidation, Banda to correct the Khatauni by incorporating the plot numbers of the petitioner as per the judgement and order dated 30.6.1990, 26.7.1989, 5.5.1998 and 22.9.1987 passed by the Consolidation Officer/ Assistant Consolidation Officer, Banda, District- Banda (contained in Annexure No.1 to the writ petition) as detailed in Paragraph no.8 of the writ petition, passed by the consolidation authorities and the corrected khatauni be issued to the petitioner forthwith.

ii. issue a writ, order or direction in the nature of mandamus commanding the respondent no.1/ District Magistrate / Deputy Director of Consolidation, Banda to consider and decide the petitioner' application dated 23.1.2025 (contained in Annexure No.5 to the writ petition) in accordance with law forthwith complying the provision of Section 6 (2) of U.P. Consolidation of Holdings Act, 1953 and the corrected khatauni be issued to the petitioner forthwith."

3. This Court vide order dated 15.4.2025 directed the learned Standing Counsel to obtain instruction in the mater.

4. Instruction dated 29.4.2025 sent by the Consolidation Officer, Banda is taken on record.

5. Learned Counsel for the petitioner submitted that before issuance of notification under Section 6 (1) of U.P.C.H. Act, the final orders were passed by the consolidation authorities in favour of petitioner, as such, petitioner is entitled to be recorded over the plot in question in view of the provisions contained under Section 6 (2) of U.P.C.H. Act but the authorities have not discharged their duties, hence the instant petition should be allowed and the authorities should be directed to record the name of the petitioner over the plot in question on the basis of final order passed before issuance of the notification under Section 6 (1) of U.P.C.H. Act.

6. Learned Standing Counsel for the State on the basis of instruction dated 29.4.2025 submitted that authorities are examining the records and necessary order will be passed in accordance with law.

7. I have considered the argument advanced by learned counsel for the parties and perused the records.

8. There is no dispute about the fact that the village was notified under Section 4 of U.P.C.H. Act on 16.3.1985 and the notification under Section 6 (1) of U.P.C.H. Act has been issued on 17.9.2003.

9. In order to appreciate the controversy involved in the matter, perusal of Section 6 of U.P.C.H. Act will be relevant which is as under:

"Section 6. Cancellation of notification under Section 4.- (1) It shall be lawful for the State Government at any time to cancel the [notification] made under Section 4 in respect of the whole or any part of the area specified therein.

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12. Perusal of paragraph no.8 of the writ petition as replied by State, it is fully demonstrated that before issuance of the notification under Section 6 (1) of U.P.C.H. Act, the final orders were passed in favour of petitioner by the consolidation authorities in respect to the plot in question, as such, the orders should be given effect in the revenue records.

13. Considering the aforementioned facts as well as the provisions contained under Section 6 (2) of U.P.C.H. Act, the instant petition is allowed and respondent no.1 is directed to record the name of the petitioner over the plot in question on the basis of the final order passed before issuance of the notification under Section 6 of U.P.C.H. Act as mentioned in paragraph no.8 of the writ petition, expeditiously preferably within a period of two months from the date of production of certified copy of this order before him.

Order Date :- 1.5.2025 Rameez