

Satya Prakesh Singh And 3 Others vs State Of U.P. And 4 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69199

Court No. - 50

Case :- WRIT - B No. - 1419 of 2025

Petitioner :- Satya Prakesh Singh And 3 Others

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

Counsel for Petitioner :- Digvijay Singh, Sudhir Kumar Singh

Counsel for Respondent :- C.S.C., Krishna Kant Singh

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Jaideep Kumar Singh, holding brief of Mr. Digvijay Singh, learned counsel for the petitioners, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Krishna Kant Singh, learned counsel for the Land Management Committee.

2. Brief facts of the case are that village-Hinauna Khatauta, Tehsil-Jalesar, District-Etah has been notified under Section 4 of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as the U.P.C.H. Act). Petitioners along with other villagers have approached the authorities for staying further consolidation proceeding in the village in question as authorities are not proceeding in accordance with the provisions of U.P.C.H. Act. Hence this writ petition for the following relief:

"A. Issue a writ, order or direction in the nature of mandamus be issued to the respondent nos.2 and 3 to consider and decide the representation dated 08.11.2024 submitted by the petitioners before the District Magistrate Etah, as well as

consolidation officer, Tehsil-Jalesar District-Etah.

B. Issue a writ, order or direction in the nature of mandamus commanding the respondents to direct the respondents authorities to make an entry and correct revenue record in respect of village-Hinauna, Khatauta, Tehsil-Jalesar, Distyriect-Etah."

3. Learned counsel for the petitioners submitted that authorities are not proceeding in accordance with the provisions contained under U.P.C.H.Act, as such village should be notified under Section 6 of U.P.C.H. Act. He further submitted that majority of the villagers are not interested for consolidation operation in the village in question, as such village should be notified under Section 6 of U .P.C.H. Act.

4. On the other hand, learned Standing Counsel and learned counsel for the Land Management Committee submitted that no interference is required in the matter as village has been notified under Section 4 of U.P.C.H. Act, which should be concluded in accordance with the provisions of U.P.C.H. Act.

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

6. There is no dispute about the fact that village in question has been notified under Section 4 of U.P.C.H. Act.

7. In order to appreciate the controversy involved in the matter, perusal of Rule 17 of U.P.Consolidation of Holdings Rules, 1954 (hereinafter referred to as U.P.C.H. Rules) will be necessary which is as under:-

"Rule 17. Section 6. - The [notification] made under Section 4 of the Act, may among other reasons, be cancelled in respect of whole or any part of the area on one or more of the following grounds, viz., that -

(a) the area is under a development scheme of such a nature as when completed would render the consolidation operations inequitable to a section of the peasantry;

(b) the holdings of the village are already consolidated for one reason or the other and the tenure-holders are generally satisfied with the present position;

(c) the village is so torn up by party factions as to render proper consolidation proceedings in the village very difficult; and

(d) that a co-operative society has been formed for carrying out cultivation in the area after pooling all the land of the area for this purpose."

8. This Court in the case reported in 2016 (131) RD 478, Jasmit Singh Vs. State of U.P. and Others has held that the Rule 17 of U.P.C.H. Rules is not mandatory.

9. This Court in the case reported in 2015 (128) RD 666 Dalip Singh and Others Vs. Vikram Singh and Others has held that notification issued under Sections 4 (1) & 6 (1) of U.P.C.H. Act are legislative in nature.

10. Considering the ratio of law laid down by the Division Bench as well as Single Bench of this Court on the scope of Rule 17 of U.P.C.H. Rules as well as the scope of writ petition against the notification issued under Sections 4 & 6 of U.P.C.H. Act, no interference is required in the matter.

11. The writ petition is dismissed and authorities are directed to conclude the consolidation operation in the village in question expeditiously as well as strictly in accordance with the provisions contained under the U.P.C.H. Act.

Order Date :- 1.5.2025 PS*