

Court No. - 48

1. Case :- WRIT - B No. - 2217 of 2023

Petitioner :- Lovepreet Singh And 3 Others

Respondent :- Deputy Director Consolidation
Muzaffarnagar and 4 Others

Counsel for Petitioner :- Ashok Kumar Singh, Adesh
Kumar, Anoop Singh, Pratik J. Nagar

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

2. Case :- WRIT - B No. - 1303 of 2023

Petitioner :- Bhagwant Education Development Society

Respondent :- Deputy Director Of Consolidation And 4 Others

Counsel for Petitioner :- Shreya Gupta, Kunal Ravi Singh

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

3. Case :- WRIT - B No. - 2086 of 2023

Petitioner :- Brijlal

Respondent :- Deputy Director Of Consolidation And 4 Others

Counsel for Petitioner :- Ashok Kumar Singh, Anoop Singh

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

4. Case :- WRIT - B No. - 2143 of 2023

Petitioner :- Balkar Singh @ Balkara

Respondent :- Deputy Director Consolidation Muzaffarnagar
And 4 Others

Counsel for Petitioner :- Ashok Kumar Singh, Anoop Singh

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

5. Case :- WRIT - B No. - 2135 of 2023

Petitioner :- Annagpal

Respondent :- Deputy Director Consolidation Muzaffarnagar
And 4 Others

Counsel for Petitioner :- Ashok Kumar Singh, Anoop Kumar
Pandey

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

6. Case :- WRIT - B No. - 2142 of 2023

Petitioner :- Harvindra Singh And Another

Respondent :- Deputy Director Consolidation And 4 Others
Counsel for Petitioner :- Ashok Kumar Singh, Anoop Singh
Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

7. Case :- WRIT - B No. - 2176 of 2023

Petitioner :- Ajay Kumar

Respondent :- Deputy Director Consolidation And 4 Others

Counsel for Petitioner :- Anoop Singh

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

8. Case :- WRIT - B No. - 2210 of 2023

Petitioner :- Ajay Kumar

Respondent :- Deputy Director Consolidation And 4 Others

Counsel for Petitioner :- Anoop Singh, Ashok Kumar Singh

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

9. Case :- WRIT - B No. - 2211 of 2023

Petitioner :- Smt. Nirmala Devi

Respondent :- Deputy Director Consolidation And 4 Others

Counsel for Petitioner :- Ashok Kumar Singh, Adesh

Kumar, Anoop Singh, Pratik J. Nagar

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

and

10. Case :- WRIT - B No. - 2218 of 2023

Petitioner :- Chaman Singh

Respondent :- Deputy Director Consolidation And 4 Others

Counsel for Petitioner :- Ashok Kumar Singh, Anoop Singh

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard S/Sri Pratik J. Nagar, Ashok Kumar Singh and Ashish Kumar Singh, learned Advocates for their respective petitioner (hereinafter collectively referred to as 'counsels for petitioners'), Sri Kaushal Kishore Mani, learned counsel for contesting respondent and learned Standing Counsel for State.

2. It is being vehemently contended by counsel for respective parties that their valuable right on land in dispute where various constructions are made as well as it is used for agricultural purposes from which they have been summarily deprived by State Authorities.

3. Learned counsels for petitioners pointed out that on basis of a report that land in dispute was recorded as 'Khola' a term which is considered to be generally used for a 'Jalmagna' land but it has different meaning also. It was held that land in dispute belongs to Gaon Sabha and petitioners have no right over it. A finding was returned that entry of non-agricultural land was a fictitious entry.

4. Learned counsels for petitioners further submits that separate appeals were filed against order passed by Consolidation Officer, however, since they were in apprehension that it would not be heard since a transfer petition was pending but Appellate Authority proceeded with appeals and rejected them by a common order dated 16.09.2022.

5. Learned counsels for petitioners further submits that separate revision petitions were filed, which were decided separately, however, all revision petitions were rejected. Learned counsels for petitioners tried to convince this Court that on basis of document and legal submissions, petitioners have a good case, however, Revisional Authority has proceeded and considered the submission of State Authorities only. The Court has asked specific queries to counsels for petitioners that whether submissions raised before this Court on basis of document available in writ petitions were placed before Revisional Authority or such arguments were taken as grounds in memo of revision but they fairly submit that such grounds are not mentioned in any specific words though such pleadings were vaguely taken.

6. Learned counsels for petitioners further submits that legal issues are raised and interpretation of certain documents, revenue records and terminology used are required to be considered, therefore, this Court may consider the case or remit the matter back to Deputy Director of Consolidation with further liberty to raise all legal grounds available along with all requisite documents to be placed before Revisional Authority since their valuable right has been denied after a very long period of time.

7. Learned counsel for contesting respondent submits that it is a case arising out of an apparent fraud and revenue records are not much disputed. Despite it is a case of fraud, petitioners were heard by Appellate Authority as well as Deputy Director of Consolidation, however, petitioners failed to prove their case, therefore, this writ petition may be dismissed.

8. It is not under dispute that on basis of revenue records, there are long entries in favour petitioners though it is well settled

that such long revenue entries have only presumption in favour of petitioners and in case of fraud that could be set aside, however, I find merit in the argument of learned counsels for petitioners that since before Appellate Authority as well as before Deputy Director of Consolidation, matters were rushed and due to inadvertence, proper grounds and documents were not placed before the Authority as well as proper assistance was not given by their respective Advocates to Authority, therefore, matter could be remitted.

9. There is another reason which finds merit for consideration that there would be no prejudice to respondent-State, if further opportunity is granted to petitioners to place their case before the Revisional Authority since the State authorities have also taken many years to challenge the entries made in favour of petitioners.

10. In the aforesaid circumstances, and in interest of justice all writ petitions are disposed of with following directions/observations:-

(i) The impugned orders passed in respective revisions by Deputy Director of Consolidation are set aside and all revisions are remitted for afresh consideration. Petitioners will be at liberty to file additional grounds or documents before Deputy Director of Consolidation within a period of three weeks from today. This liberty will also be with respondent-State

(ii) Thereafter, the Deputy Director of Consolidation will hear matter afresh and decide the issues within a period of three months, within its wide power as granted under Section 48 of U.P. Consolidation of Holdings Act, 1953.

(iii) Parties will not take any adjournment and in case any prayer regarding adjournment, Deputy Director of Consolidation will have liberty to dismiss the revision petitions forthwith, even in a case of call for abstention from work, concerned Advocate or parties in person have to appear before concerned authority without any excuse whatsoever.

(iv) These writ petitions are **disposed of** with observation that at this stage, this Court has not ventured deeply into merits of case, so far as in regard to effect of long revenue entries as well as allegation of fictitious entries and details of entries and nomenclature of land used in revenue records.

Order Date :- 30.11.2023

P. Pandey