

Court No. - 48

Case :- WRIT - B No. - 2924 of 2023

Petitioner :- Prem Chand

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Dadhi Bal Yadav

Counsel for Respondent :- C.S.C.,Sudhir Bharti

Hon'ble Saurabh Shyam Shamshery,J.

1. Heard Sri D.B. Yadav, learned counsel for petitioner, Sri A.C. Nishad, learned Standing Counsel for State-Respondents and Sri Sudhir Bharti, Advocate for Gaon Sabha.
2. Petitioner before this Court has claimed on basis of an order dated 26.12.1983 passed by Consolidation Officer, Deewan Bazar, Gorakhpur that land in dispute which was wrongly entered as a land of State was corrected and entries were made in favour of petitioner.
3. Per contra, it is the case of State that land in dispute is a very big chunk of about 20 acres and is a part of land of jungle of Sakhu.
4. Deputy Director of Consolidation has returned a specific finding that above referred order dated 26.12.1983 was not found in misilband register as well as it was not found in original record.
5. Learned counsel for petitioner submits that there was a long continuous revenue entries in favour of petitioner. It was his grove land and Bhumidhari which was developed by him. It is not a part of jungle of Sakhu. He also submits that records were burnt as well as some records were misplaced during transfer from one District to another.
6. There are catena of judgements that long revenue entries would only give a presumption in favour of a person whose

name has been recorded, however, it does not stop for scrutiny. (See a judgment passed by a Division Bench of this Court in **Shri Ram and others vs. Deputy Director of Consolidation, Allahabad and others, 2011(4) ADJ 289** wherein it was held that “Long standing entries which are questioned in an objection filed under the Uttar Pradesh Consolidation of Holdings Act, 1953 hold only a presumptory value and they cannot be taken to be an absolute proof for pressing the principle of estoppel, acquiescence and waiver and no automatic bar of Section 49 of the Uttar Pradesh Consolidation of Holdings Act, 1953 is attracted.”)

7. There is procedure prescribed that orders passed with regard to revenue records be recorded in misilband register, however, there are various instances that revenue authorities have hand in gloves with land holders to pass frivolous orders which have been pointed out by Supreme Court in the case of **Jagpal Singh and others vs. State of Punjab and others, (2011) 11 SCC 396** also.

8. Deputy Director of Consolidation has rightly passed impugned order specifically when the order relied on by petitioner was not found in records. Otherwise also, there is no document that land in dispute which is a very big chunk, does not fall within the land of jungle Sakhu and it is also not in dispute that the land of forest is the land of State.

9. In aforesaid circumstances, I do not find any illegality or irregularity in impugned order warranting interference in writ jurisdiction. Dismissed accordingly.

Order Date :- 12.10.2023

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