

**Court No. - 6**

**Case :-** WRIT - B No. - 1093 of 2023

**Petitioner :-** Suresh Kumar Singh

**Respondent :-** Settlement Officer Of Consolidation, Bahraich And Others

**Counsel for Petitioner :-** Amit Srivastava

**Counsel for Respondent :-** C.S.C., Pankaj Gupta

**Hon'ble Rajnish Kumar, J.**

Heard Sri Amit Srivastava learned counsel for the petitioner and Sri Upendra Singh learned Additional Chief Standing counsel.

This Court had passed following order on 08.12.2023:-

*"Shri Amit Srivastava, learned counsel for the petitioner submits that during consolidation proceedings the predecessor-in-interest of the petitioner i.e. father of the petitioner had filed an objection under Section 9-A(2) of Consolidation of Holdings Act, which was allowed by means of order dated 17.12.1965 passed in Case No.518, but the same was not implemented, therefore on an application moved by the petitioner under Section 109 of the U.P.Consolidation of Holdings Act, a direction was issued for incorporating the same in the revenue records in Case No.383 on 25.05.1972. In pursuance thereof though the name of the petitioner has come in the Namantran Bahi, but his name is not being shown on the Khatauni, therefore the petitioner moved an application on 26.09.2022, on which a report has been submitted on 02.12.2022 to the effect that since fresh consolidation proceedings have started and the matter is old one, therefore the said order cannot be implemented and can be implemented when the proceedings under Section 9 would start.*

*Submission of learned counsel for the petitioner is that once the order was passed in the consolidation proceedings it was the duty of the authorities to get it recorded in the revenue records. He relies on Mukhtar Versus Dy.Director of Consolidation, Azamgarh and others; 1993 R.D. 457, Abdul Sami (Dead) and others Versus District Dy.Director of Consolidation, Bijnor and others; 2015 (126) RD 300, Prakash Chandra Versus Deputy Director of Consolidation, Kanpur Camp at Kanpur and others; 2019 (144) RD 18 and Shiv Shankar and another Versus State of U.P. and others; 2018 (138) RD 297.*

*Shri Upendra Singh, learned Additional Chief Standing Counsel prays for and is granted a week's time to seek complete instructions in the matter.*

*List on 18th of December 2023 in top 20 cases.*

*The order has been passed in presence of Shri Vikram Singh Pandey, Advocate holding brief of Shri Pankaj Gupta, learned counsel for the Gaon Sabha."*

Learned Additional Chief Standing counsel on the basis of instructions submits that the petitioner is claiming for recording

of the order passed in the earlier consolidation proceedings, whereas the subsequent consolidation has started in the year 2009 with the publication of notification under Section 4 of the U.P. Consolidation of Holdings Act, which has been dropped by means of the order dated 07.11.2023. He further submits that on the application of the petitioner, the report dated 02.12.2022 as recorded in the order dated 08.12.2023 was submitted which has been approved by the Settlement Officer of Consolidation on 09.10.2023 and the said order has also not been challenged by the petitioner in this petition. Therefore, it is not maintainable.

This Court in the case of **Chandrajeet Ram vs State of U.P. and another** reported in **2009 (108) RD 190** has held that a wait for more than 12 years always raises a grave doubt regarding the genuineness of the order sought to be enforced and in most of such cases certified copies of nonexistent orders are manufactured after the loss/weeding out of original records. It has also been held that it is also the experience of the Court that Rule 109A is being utterly misused. Similar view has been taken by this Court in the case of **Ghanshyam vs D.M Jaunpur District Jaunpur**; 2009 (108) RD 189 .

In view of the above and since the order passed by the Settlement Officer, Consolidation on 09.10.2023 has not been challenged by the petitioner, which can be challenged in appropriate proceedings, this petition itself is not maintainable.

With the aforesaid, the petition is **dismissed**.

**(Rajnish Kumar,J.)**

**Order Date :- 18.12.2023**  
Harshita