



2025:JHC-1 K03:2025/26

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 11390 of 2025

Shiv Dulari And Another

.....Petitioner(s)

Versus

Commissioner, Lucknow Division, Lko. And
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Chaturvedi
Counsel for Respondent(s)	:	C.S.C., Anoop Kumar

Court No. - 22

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ashish Chaturvedi, learned counsel for the petitioners, Sri Anoop Kumar, learned counsel for respondent no.5 and learned Standing Counsel for the State.

2. The instant petition has been filed to issue a writ of certiorari for quashing the impugned order dated 28.2.2025 passed in Revision No. T202410000003364 (Case No. 3364/2024), order dated 19.7.2024 passed in Appeal No. 3795 of 2023 (computerized No. T202310580603795), order dated 16.11.2023 passed in Mutation Case No. T201510580601840 and direct the opposite parties to record the name of the petitioners in revenue records.

3. Contention of learned counsel for the petitioners is that after death of Shanti Devi, bhumidhar of Khata Nos. 00121, 00051 and 00724, situated in village Ninava and Bara Parna, Parsdepur, the name of the petitioners was mutated on the basis of succession by order dated 22.4.2008 by the Revenue Inspector against which an appeal was filed by mother of respondents No. 4 & 5 Ramkali, on the ground that Shanti Devi had executed a registered will in her favour on 22.1.2008, therefore, PA-11 issued on 12.4.2008 was erroneous and same may be recalled. By order dated 14.4.2015, PA-11 dated 12.4.2008 was cancelled and the name of mother of respondents No. 4 & 5 was mutated on the basis of registered will dated 22.1.2008. This order was challenged by the petitioner in appeal which was allowed by order dated 29.9.2016 and the matter was

remanded back to Tehsildar. After the matter being remanded, Tehsildar again passed an order dated 16.11.2023 by which he directed to record the name of the mother of respondents No. 4 & 5 and order dated 22.4.2008 passed by the Revenue Inspector was set aside against which an appeal was preferred before the Commissioner Lucknow Mandal under Section 219 U.P.L.R. Act, which was dismissed on 28.2.2025.

4. Learned counsel for the petitioner submits that the order is absolutely erroneous as the revenue authority failed to consider that the petitioners are entitled to get their land registered on the basis of succession in view of Section 37 of the U.P.Z.A. & L.R. Act.

5. Per contra, learned counsel for respondents No. 4 & 5 as well as learned Standing Court vehemently opposed the prayer and submitted that the mutation proceeding is summary in nature on the basis of registered will the name of the mother of respondents No. 4 & 5 has been mutated and if the petitioner is aggrieved by the will then he could have approached the competent authority for cancellation of will and as the petitioner has not filed any suit for cancellation of the will, therefore, the revenue authorities cannot decide the title on the basis of the registered will.

6. Considering the aforesaid submissions of learned counsel for the parties and on perusal of the record, it is clear that the mutation proceeding is summary in nature and this Court in the case of ***Smt. Kalawati vs. Board of Revenue; 2022 SCC OnLine ALL 193*** as well as judgement of Apex Court in ***State of Haryana and another vs. Amin Lal; Civil Appeal arising out of SLP (C) No. 25231 of 2024*** observed that the revenue entry does not create title. It is for the revenue purpose and the entry can be made even on the basis of possession and title dispute cannot be decided in such proceeding. Normally writ petition does not lie against the mutation proceeding except the cases where the revenue authority acted beyond its jurisdiction.

7. From perusal of the impugned order, this Court found that the mutation of the name of the mother of respondents No. 4 & 5 was made on the basis of registered will deed which could not be disputed by insufficient

evidence by the petitioner as the petitioner has remedy to challenge this will before appropriate forum and revenue authorities cannot decide the title on the basis of will. Therefore, this Court does not find any illegality in the impugned order.

8. Accordingly, the petition is **dismissed**.

(Arun Kumar Singh Deshwal,J.)

December 4, 2025

Vandana