



2025:JHC-1-KO:201118

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - B No. - 1147 of 2025

Moti Lal

.....Petitioner(s)

Versus

Deputy Director Of Consolidation, Lakhimpur
Kheri And Others

.....Respondent(s)

Counsel for Petitioner(s)	: Satendra Nath Rai
Counsel for Respondent(s)	: C.S.C., Vipul Kumar Mishra, Yogesh Singh

Court No. - 22

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Satendra Nath Rai, learned counsel for the petitioner, Sri Yogesh Singh, learned counsel for respondent no.2 and Sri Rajendra Prasad Maurya, learned Standing Counsel for the state.

2. The instant petition has been filed seeking writ of certiorari to quash the order dated 11.11.2025 in Revision No. 512 of 2025, computerize case no. 202554104300000512 under Section 48 of U.P. Consolidation of Holdings Act and command respondents not to interfere with the peaceful possession of the petition over the land in question being Gata no. 102/0.9300 hectare as well as gata no. 545kha/0.0890 hectare, Village Pipra Maroda, District Pargana Srinagar, Tehsil Lakhimpur, District Lakhimpur Kheri.

3. Facts giving rise to present case are that the petitioner had purchased a land as Gata No. 102, area 0.93 hectare and also another land in Gata No. 543 Kha, area 0.0890 hectare from the legal heirs of the original tenure holder, Gurdeen through sale deed dated 23.10.2000 and on the basis of sale deed, the name of the petitioner was also mutated in the revenue record by Nayab Tehsildar by order dated 27.1.2001. It is further submitted that respondent No.2 also filed an application under Section 12 of the U.P. Consolidation of Holdings Act in the year 1999 on the ground that Gurdeen had executed an unregistered will on 5.5.1997 in favour of respondent No.2 and one Ramasrey. The said application was finally

allowed on 30.1.2015 by the Consolidation Officer, directing to record the name of respondent No.2. Thereafter, the petitioners as well as legal heirs of Gurdeen moved a recall application on 26.8.2015 to recall the order dated 30.1.2015 on the ground that the same was an ex parte order and the fact of legal heirs was concealed by respondent No.2. The said recall application was allowed on 2.8.2016 against which respondent No.2 filed a revision which was dismissed on 27.12.2019 and the court also directed to complete the proceeding under Section 12 of the U.P.C.H. Act. During pendency of the aforesaid proceeding, an application was filed by respondent No.2 to delete the name of the petitioner as a party. The said application was rejected by order dated 19.2.2025 against which an appeal was filed which was also dismissed on 17.7.2025 and challenging the aforesaid order, the respondent No.2 filed a revision before the D.D.C. which was allowed by order dated 11.11.2025 and the matter was also remanded to the C.O. to pass appropriate order after hearing other parties.

4. Learned counsel for the petitioner has submitted that as the petitioner as well as legal heirs of the original tenure holder Gurdeen had filed a recall application which was allowed and the order dated 30.1.2015 passed under Section 12 of the U.P.C.H. Act was recalled, therefore, they are the necessary party as the present petitioner after purchasing the land from the legal heirs of Gurdeen stepped into the shoes of the legal heirs of Gurdeen. Therefore, they have right to contest the proceeding under Section 12 of the U.P.C.H. Act, initiated on the application of respondent No.2. Therefore, the revenue court erroneously directed to delete the name of the petitioner.

5. Per contra, learned counsel for respondent No.2 vehemently opposed the prayer and submitted that the proceeding under Section 12 of the U.P.C.H. Act was initiated on the basis of the unregistered will dated 5.5.1997 executed by the original tenure holder Gurdeen before his death. It is further submitted that the proceeding itself was initiated in the year 1999 and the land was purchased by the petitioner in the year 2000, therefore, the petitioner is not entitled to contest the proceeding under Section 12 of the U.P.C.H. Act as he is subsequent purchaser and he purchased the land during pendency of the proceeding.

6. Learned A.G.A. also adopted the argument of learned counsel for respondent No.2.

7. Considering the aforesaid submissions of learned counsel for the parties and on perusal of the record, it is not in dispute that the final order dated 30.1.2015 was passed under Section 12 of U.P.C.H. Act on the application of the respondent No.2, but the same was recalled on the application filed by the petitioner as well as legal heirs of Gurdeen who were the vendors of the petitioner. As the proceeding was contested by the petitioner up to revision level and the petitioner's name was also recorded in the revenue record on the basis of sale deed dated 23.10.2000, therefore, the petitioner has right to contest the proceeding under Section 12 of the U.P.C.H. Act. Therefore, this Court is of the opinion that the impugned order passed by the revisional court is absolutely erroneous and hearing the petitioner during the proceeding under Section 12 of the U.P.C.H. Act, in such circumstances, will not in any way pre judice or affect the right of respondent No.2.

8. Accordingly, with the consent of both the parties, present petition is **disposed of** finally. Order dated 11.11.2025 passed by the revisional court is hereby set aside. Petitioners are directed to participate in the proceeding under Section 12 of the U.P.C.H. Act.

(Arun Kumar Singh Deshwal,J.)

December 3, 2025

Vandana