



2025:0004-1 K03:294:54

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12121 of 2025

Ambey Kumar Singh And Others

.....Petitioner(s)

Versus

Addl. Commissioner Administration, Ayodhya
Mandal, Ayodhya And Others

.....Respondent(s)

Counsel for Petitioner(s)	: M.A. Siddiqui
Counsel for Respondent(s)	: C.S.C., Amit Singh, Mohan Singh

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Usuf Safvi, Advocate holding brief of Sri M.A. Siddiqui, learned counsel for the petitioners as well as learned Standing Counsel for respondent no. 1 and Sri Amit Singh, learned counsel for private respondent nos. 2 to 11 and Sri Mohan Singh, learned counsel for respondent no. 12.

2. It has been submitted by learned counsel for the petitioners that present dispute pertains to two khatas namely Khata No. 27 and Khata No. 35. It is submitted that certain orders with regard to mutation were passed by the Tehsildar by order dated 17.11.2016, against which the private respondents preferred revision before the Additional Commissioner (Administration), Ayodhya Division, Ayodhya.

3. It is next submitted that during pendency of the revisional proceedings, Notification under Section 4 of the Consolidation of Holdings Act, 1953 (*hereinafter referred to as "the Act, 1953"*) was issued on 09.06.2024 and on issuance of the aforesaid notification, an application for abatement was filed by the petitioners. The Additional Commissioner (Administration) by means of impugned order dated 28.10.2025, has though allowed the abatement and directed the parties to present their grievance before the consolidation authorities, but he has further proceeded to consider the matter on merits and has even set aside order dated 17.12.2016.

4. It has been further submitted by learned counsel for the petitioners that the moment notification under Section 4 of the Act, 1953 is issued, all proceedings pending before any authority stand abated as per provisions of Section 5(2) of the Act, 1953. It is submitted that once notification under Section 4 of the Act, 1953 was issued then the revisional authority has lost all the powers to decide any lis between the parties and only order which could have been passed was regarding abatement and accordingly, submits that the revisional authority while proceedings to pass orders on

merits is illegal and arbitrary and deserves to be set aside.

5. Learned counsel for the respondents on the other hand have opposed the writ petition, stating that it was infact certain orders being obtained by the petitioners on the basis of fraudulent record and entries, against dead person and therefore, have supported the impugned orders.

6. Heard learned counsel for the parties and perused the record.

7. The only issue which has to be adjudicated in the present petition is with regard to impugned order which has been passed after issuance of notification under Section 4 of the Act, 1953. Provisions of sub Clause 2 of Section 5 of the Act, 1953 will be relevant for deciding present controversy, which is quoted herein below :-

“Section 5. Effect of notification under Section 4(2)

(2) Upon the said publication of the notification under sub-section (2) of Section 4, the following further consequences shall ensue in the area to which the notification relates, namely -

(a) every proceeding for the correction of records and every suit and proceeding in respect of declaration of rights or interest in any land lying in the area, or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under this Act, pending before any Court or authority whether of the first instance or of appeal, reference or revision, shall, on an order being passed in that behalf by the Court or authority before whom such suit or proceeding is pending stand abated :

Provided that no such order shall be passed without giving to the parties notice by post or in any other manner and after giving them an opportunity of being heard :

Provided further that on the issue of a notification under sub-section (1) of Section 6 in respect of the said area or part thereof, every such order in relation to the land lying in such area or part, as the case may be, shall stand vacated;

(b) such abatement shall be without prejudice to the rights of the persons affected to agitate the right or interest in dispute in the said suits or proceedings before the appropriate consolidation authorities under and in accordance with the provisions of this Act and the Rules made thereunder.

Explanation. - For the purposes of sub-section (2), a proceeding under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960(U.P. Act No. 1 of 1961) or an uncontested proceeding under Sections 134 to 137 of the U.P. Zamindari Abolition and Land Reforms Act, 1950(U.P. Act No. 1 of 1951), shall not be deemed to be a proceeding in respect of declaration of the right or interest, in any land.”

8. From the perusal of aforesaid provision it is clear that upon publication

of notification under Section 4 of the Act, 1953 any proceeding which are pending pertaining to the correction of record or suit proceedings in respect of declaration of rights or interest in any land lying in the area or for the adjudication of any other rights, whether it is of first instance or on filing reference or revision, shall stand abated.

9. Accordingly, there is no dispute in the present case that said notification under Section 4 of the Act, 1953 was issued on 09.06.2024 and on 09.06.2024, itself the Additional Commissioner (Administration) became functus officio and was denuded of any power to decide the list between the parties on merits. Only formal orders could have been passed by him in such circumstances on noticing notification under Section 4 of the Act, 1953 and should have abated the proceedings which were pending before him.

10. It is in the aforesaid circumstances, this Court has no hesitation to hold that by means of impugned order dated 28.10.2025, where revisional authority has entered into merits of the controversy and set aside the order dated 17.12.2016, apart from abating the proceedings before him, is clearly beyond jurisdiction, illegal and arbitrary and also contrary to the provisions of Section 5(2) of the Act, 1953. The revisional authority could not have entered into merits of the controversy in order to decide the dispute which was pending before him.

11. Accordingly, for the aforesaid reasons, impugned order dated 28.10.2025, passed by the Additional Commissioner (Administration), Ayodhya Division, Ayodhya, is set aside, to the extent it decides the controversy between the parties and also to the extent it sets aside order dated 17.12.2016 and no interference is called for with regard to abatement of the proceedings. The parties are relegated to the remedy under the U.P. Consolidation of Holdings Act, 1953, which forum would be certainly open for the parties, once notification under Section 4 of the Act, 1953 has been issued.

12. In view of above, present writ petition stands **partly allowed**.

(Alok Mathur,J.)

December 16, 2025

A. Verma