HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 1217 of 2026

Udayveer

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Singh, Ram Mangal Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Rejoinder affidavit filed today is taken on record.

2. Heard Sri Ashok Kumar Singh, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

3. The present petition has been filed seeking a direction to the consolidation authorities to demarcate new plot nos. 998 and 1000, allotted to the petitioner pursuant to the order of Deputy Director of Consolidation, Sambhal, dated 14.08.2021, accepting the reference made by the Settlement Officer Consolidation.

4. It is contended by the learned counsel for the petitioner that against the total valuation 56.36 of the land originally held by the petitioner, he was allotted area having valuation 18.00. Pursuant to the reference made by Settlement Officer Consolidation, the deficiency in the valuation of chak allotted to the petitioner was made good in proceedings under Section 48(3) of the U.P. Consolidation of Holdings Act, 1953 by the order of the Deputy Director of Consolidation dated 14.08.2021. It is further submitted that after clubbing the area allotted to the petitioner originally granted with the deficient area, subsequently allotted by the order dated 14.08.2021, CH Forms 41 and 45 relating to petitioner have been prepared, allotting new plot nos. 998 area 0.644 hectare and 1000 area 0.058 hectare. It is contended that till date new chaks allotted to the petitioner have not been measured, nor possession has been delivered to him, as such, he has been left with no land for cultivation at the present.

5. Learned Standing Counsel relying on the counter affidavit filed on behalf of respondent nos. 2, 3 & 4 states that in another reference decided by the Deputy Director of Consolidation by the order dated 26.06.2025, the plot no. 998 allotted to the petitioner has been disturbed in which area in plot no. 422M and 418M have been taken out and in lieu thereof area of plot nos. 438M, 439/2M, 438M & 721M has been allotted. The order of Deputy Director of Consolidation dated 26.06.2025 is challenged in Writ-B No. 4371 of 2025 in which an interim order has been passed staying its effect and operation. It is further submitted that as the chaks of petitioner are affected by the subject matter of aforesaid writ petition, the measurement of his new plots is not possible.

6. I have considered the submissions made by learned counsel for the parties and perused the record.

7. It is an admitted fact that the order of Deputy Director of Consolidation, Sambhal, dated 14.08.2021 had attained finality as neither any restoration application, nor any writ petition is pending against it. The total holding of petitioner has been allotted in two new plot nos. 998 and 1000. According to the CH Form 41 and 45 prepared in respect of petitioner, there is no dispute in respect of plot no. 1000 allotted to him, carved out by old plot no. 421/1 area 0.058 hectare, therefore, there can be no impediment in the demarcation of the new plot no. 1000 allotted to the petitioner.

8. In respect of new plot no. 998 area 0.644 hectare, plot nos. 422M area 0.097 hectare and 418M area 0.025 hectare have been taken out from the total area of 0.260 hectare and 0.055 hectare, respectively, which becomes the subject matter of dispute in Writ-B No. 4371 of 2025. As the effect and operation of the order dated 26.06.2025, passed by the Deputy Director of Consolidation, has been stayed, the modification made in the chak of petitioner has also consequently been stayed, therefore, at present in view of the interim order dated 31.10.2025, the plot no. 998 comprising old plot no. 418M, 422M, 424M & 423/962M is intact and cannot be disturbed in view of the order dated 26.06.2025. Thus, I find no impediment in the demarcation of the plot no. 998 allotted to the petitioner pursuant to order of the Deputy Director of Consolidation dated

14.08.2021. Moreover, after disposal of the Writ-B No. 4371 of 2025, any further modification can be carried out in the chak of the petitioner. However, if there exists any difficulty in demarcation of chak of the petitioner pursuant to order of Deputy Director of Consolidation, dated 26.06.2025, the area, which is subject matter of consideration in the said order, can be excluded from his chak for the time being till disposal of Writ-B No. 4371 of 2025.

9. In view of the aforesaid facts and discussion, the present petition is disposed of with direction to the respondent no. 4 to demarcate the chak of petitioner comprised in plot nos. 998 and 1000 and handover possession to him. At the time of handing over possession to the petitioner over his new plot no. 998, an undertaking shall be obtained from him in respect of area forming part of the order dated 26.06.2025 passed by the Deputy Director of Consolidation, Sambhal to the effect that he shall not change the nature of the said area, nor create any third party interest in it till disposal of the Writ-B No. 4371 of 2025. The entire exercise shall be completed by the authority concerned before the next season of sowing crop starts.

(Arun Kumar,J.)

October 24, 2026
Ashok Kr.

Digitally signed by :-
ASHOK KUMAR
High Court of Judicature at Allahabad