HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 3409 of 2026

Bhukan Singh

.....Petitioner(s)

Versus

Chief Secretary Revenue Department Lucknow Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rama Shanker Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the respondent nos.1 and 2.

2. The present writ petition has been filed seeking a writ of mandamus for staying the entire further proceedings of Case No.20235412712010187 registered under Section 9-A(2) of the U.P. Consolidation of Holdings Act, 1953 before the Consolidation Officer, Budaun, on the objections filed by respondent no.3 during the pendency of Original Suit No.312 of 2022, pending before the Civil Judge (Junior Division), Budaun, challenging the Will dated 16.7.1994.

3. It is contended by learned counsel for the petitioner that on the basis of unregistered Will dated 16.7.1994, the name of petitioner was recorded over the land in dispute, which was upheld in appeal. The respondent no.3 filed Original Suit No.312 of 2022 challenging the validity of the Will dated 16.7.1994, which is pending consideration. In the meantime, the village in question was brought under the consolidation operation. The respondent no.3 filed objection under Section 9-A(2) of the Act on which Case No.20235412712010187 was registered. It is contended that as the claim of respondent no.3 is based on succession and he would be entitled over the land in dispute only if the Will is set aside, therefore, no useful purpose would be served by pursuing the matter before the consolidation authorities, as the question regarding cancellation of the Will is subjudice before the appropriate civil court. It has been further contended that as the

consolidation authorities have no jurisdiction to cancel a document, therefore, they have no jurisdiction to adjudicate upon the validity of the claim of respondent no.3.

4. I have considered the submissions made by learned counsel for the petitioner and perused the records.

5. In view of the fact that the village concerned has been brought under the consolidation operation, every person aggrieved by the entries in the revenue records has right to file objection regarding his claim over the entries in the revenue records. The orders passed in favour of the petitioner during the mutation proceedings were only for fiscal purposes, which neither create nor extinguish rights of any person. The said entries are always subject to regular proceedings, having jurisdiction to adjudicate the right of the parties. The claim of respondent no.3 challenging the validity of the execution of Will depends upon the nature of challenge, he raises before the consolidation authorities. The consolidation authorities have jurisdiction to ignore documents, which are void, therefore, it cannot be held that the objection of respondent no.3 before the consolidation authorities cannot be considered till the Original Suit No.312 of 2022 is decided. The relief claimed by the petitioner appears to be misconceived and does not warrant interference by this Court, at this stage.

6. The writ petition is, accordingly, dismissed.

(Arun Kumar,J.)

October 24, 2026
Anil

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