HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4291 of 2026

Chandra Prakash And Another

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Singh Sengar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the respondent nos. 1 to 4.

2. Present petition has been filed challenging the orders passed by the respondent nos. 2 & 3, dated 6.5.2026 and 28.9.2020, respectively, arising out of proceedings under Section 9A(2) of the U.P. Consolidation of Holdings Act, 1953.

3. Facts of the case are, that the contesting respondent nos. 5 to 7 filed an objection under Section 9A(2) of the Act, claiming rights over the land in dispute on the basis of sale deed dated 24.4.1973, executed by the father of the petitioners, Chiranji Lal, in favour of their father, Gore Lal. The said objection was allowed, which was subsequently recalled on the restoration application filed by the petitioners. The Consolidation Officer again by its order dated 11.1.2005, allowed the objection filed by the contesting respondents. The appeal filed by the petitioners against the order dated 11.1.2005 was allowed, which was upheld in Revision by the Deputy Director of Consolidation, by the order dated 31.8.2018.

4. Pursuant to the aforesaid order, the Consolidation Officer decided the objection of the contesting respondents afresh by his order dated

1.2.2020, rejecting it, holding the sale deed dated 24.4.1973 to be forged.

5. Aggrieved by the order of the Consolidation Officer, dated 1.2.2020, the respondent nos. 5 to 7 filed an appeal before the Settlement Officer Consolidation, which was allowed by the order dated 28.9.2020, and the matter was relegated back to be decided afresh, in accordance with law.

6. The aforesaid order was challenged by the petitioners in Revision before the respondent no. 2, which has been dismissed by the order dated 6.5.2026.

7. It is contended by the learned counsel for the petitioners that the sale deed dated 24.4.1973, allegedly claim to have been executed by their father late Chiranji Lal was never acted upon. Their father continued to be recorded in the revenue records over the land in dispute till the start of the consolidation proceedings. Constructions were raised by the petitioners and their predecessor in interest over the land in dispute, which were never objected by the respondent nos. 5 to 7, or their predecessor in interest. It has been further contended that during consolidation proceedings, Chiranji Lal died and the name of petitioners were recorded and chaks have been carved out pursuant to it. The said order directing expunction of name of Chiranji Lal and recording name of petitioners was never challenged by the contesting respondents, which has attained finality. It has been further contended that the said sale deed has been brought to light only after the death of its executor, the vendee and the witnesses setting up a bogus claim, on the basis of forged document. In the alternative the petitioners have also stated that due to their continuous over the land in dispute and in the absence of possession of the contesting respondents over the land in dispute in pursuance of the sale deed dated 24.4.1973, they have lost all their right, if any, which accrued in their favour pursuant to the sale deed.

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

9. The Consolidation Officer while passing the order dated 1.2.2020 has proceeded on the presumption that the sale deed dated 24.4.1973 is forged, as it is being set up after more than 30 years. The finding of the

Consolidation Officer that the sale deed is forged, is not based on any evidence on record. The Consolidation Officer has not recorded any finding regarding the possession of the petitioners over the land in dispute. The other reason for ignoring the sale deed is that the order of Consolidation Officer dated 5.9.2001, recording the name of the petitioners after the death of their father, has not been challenged, which cannot be an impediment for deciding an objection under Section 9 of the Act. The Settlement Officer Consolidation while setting aside the order of the Consolidation Officer recorded a categorical finding that merely because of pendency of a civil suit challenging the validity of the sale deed a registered document cannot be ignored. The said finding is supported by the observation that the sale deed dated 24.4.1973 is recorded in the Register of the Sub-Registrar, Charkhari at Serial No.552, dated 27.4.1973. A further finding has been recorded that merely because the name of vendor of the sale deed has been struck off and his heirs have been recorded the sale deed cannot be ignored. Moreover, the matter has been relegated back to be decided afresh after fresh consideration of the evidence available on record no conclusion has been recorded regarding the validity of the sale deed dated 24.4.1973, therefore, no prejudice is being caused to the petitioners if the validity of the sale deed is considered afresh in accordance with law.

10. It will be open for the petitioners to raise all their objection against the validity of the sale deed dated 24.4.1973 when the matter is heard afresh by the Consolidation Officer, after evidence is led by both the parties. Merely because a sale deed was not given effect to for 30 years, it cannot be held to be a forged document. The right of the petitioners due to their continuous possession, despite the right of the respondent nos. 5 to 7, if any, in the land in dispute, has also to be considered by the Consolidation Officer before taking a decision on the claim raised by the contesting respondents. As various issues involved in the matter have not been considered by the Consolidation Officer, I find no good ground to interfere with the order of the Settlement Officer Consolidation as upheld by the Deputy Director of Consolidation, at this stage.

11. In view of the aforesaid facts, the present writ petition is disposed of with the direction to the Consolidation Officer to decide the objection of

the contesting respondents, in accordance with law, in pursuance of the direction of the order of the Settlement Officer Consolidation, dated 28.9.2020, after hearing all the concerned parties, expeditiously, preferably within a period of four months, from the date of production of a certified copy of this order.

(Arun Kumar,J.)

October 24, 2026
Ranjeet Sahu

Digitally signed by :-
RANJEET SAHU
High Court of Judicature at Allahabad