



2026:UHC:3436

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE SIDDHARTHA SAH

06TH MAY, 2026

WRIT PETITION NO. 1621 OF 2015 (M/S)

FazlaPetitioner

Versus

Mohammad Ahmad S/o Late Mahmood
and OthersRespondents

Counsel for the Petitioner : Mr. Himanshu Pal, Advocate.

Counsel for the Respondent : Mr. Nikhil Singhal, Advocate.
No.1

Hon'ble Siddhartha Sah, J. (Oral)

By means of the present writ petition, the petitioner has assailed the impugned order dated 24.04.2015, passed by the Deputy Director of Consolidation/ Additional Collector, Haridwar (hereinafter referred as Deputy Director of Consolidation) in Revision No.56 of 2013-2014, "Mahmood vs. Fazla and Another", by means of which an amendment application has been allowed whereby certain paragraphs have been incorporated in the memo of revision and also the names of Jameel and Saleem sons of Rahamilahi was sought to be impleaded as respondent nos.3 and 4, whereas Jahangeer s/o late Shaukat was sought to be impleaded as respondent



no.5 & name of Mansab s/o Jahoorra was sought to be impleaded as respondent no.6 in the revision which was pending in the court of Deputy Director of Consolidation.

2. Assailing the said order dated 24.04.2015, learned counsel for the petitioner would submit that his main grievance is against the induction of new respondent nos.3, 4, 5 and 6. He would submit that these proposed respondent nos.3, 4, 5 and 6 were not parties in the litigation either at the stage of the Consolidation Officer or at the stage of appeal before the Settlement Officer Consolidation, therefore, they could not have been impleaded at the revisional stage under Section 48 of the U.P. Consolidation Of Holdings Act, 1953.

3. Next submission of the learned counsel for the petitioner is that these people have not come up with any grievance that they have not been impleaded and as such why somebody else is impleading them in the case is not understandable.

4. The third ground being agitated by the learned counsel for the petitioner is that in the amendment application it is not explained as to how



the proposed respondent nos.3, 4, 5 and 6 are proper and necessary party.

5. The next submission by the learned counsel for the petitioner is that there is no specific direction for impleading the proposed respondent nos.3, 4, 5 and 6.

6. The next contention is that primarily it is only an amendment application and by virtue of an amendment application impleadment of the new parties would not be *per se* permissible. He has also made the submission that if the chucks are not been affected how they can seek impleadment. Such an averment is absent in the amendment application, therefore, amendment application could not have been allowed by virtue of the impugned order.

7. Per contra, learned counsel for the respondent no.1 has drawn the attention of the Court to an order dated 09.07.2013, passed by this Court in earlier round of litigation between the same parties which was a common order in Writ Petition No.877 (M/S) of 2001, "Fazla S/o Mohd. Umar vs. Deputy Director of Consolidation and Others", with Writ Petition No.4469 (M/S) of 2001, "Mahmood S/o Ghulam Rasool vs. Deputy Director of Consolidation and Others".



8. While taking the Court to the said judgment and order dated 09.07.2013, the learned counsel for the respondent no.1 has drawn the attention of the Court to certain relevant portions of the said judgment and order dated 09.07.2013.

9. Mr. Nikhil Singh, the learned counsel for the respondent no.1 has drawn the attention of the Court to the said order dated 09.07.2013, which is hereunder: -

“Aggrieved by the order of SOC Mahmood and Asgar filed revisions 46 and 107 before the D.D.C. The learned D.D.C. heard both the revisions together on the ground that since the amended Talika would be one in both the revisions and partly allowed the revisions vide impugned order dated 10-9-1999. Hence these writ petitions.

I have heard Sri Lok Pal Singh Advocate petitioner Fazla and Sri Tapan Singh, Advocate on behalf of pe Mahmood and Sri Rajendra Singh, Advocate on behalf of intervener Asgar and have gone through the impugned orders.”

10. Learned counsel for the respondent no.1 has also drawn the attention of the Court to the last two paragraphs of the said judgment and order dated 09.07.2013 which reads as under: -

“The W.P. No. 877 (M/S) of 2001 is allowed. The order dated 10-9-1999 passed by DDC is set aside and the matter is remanded back to learned D.DC. Haridwar to decide the revisions afresh accordance with law after hearing the parties, who would be affected by



the amendment of chucks. Notices be issued to the parties concerned.

So far as W.P. No. 4469/2001(M/S) is concerned, since the order 10-9-99, of D.D.C. is under challenge in this writ petition also, and the same has been set aside by this court, therefore, this petition is partly allowed and the orders passed by SOC in appeal as well as on recall application and the order passed by Consolidation Officer, are maintained."

11. While referring to the said order dated 09.07.2013, learned counsel for the petitioner has made the statement that in the said order there is a reference of Revision Nos.46 and 107 before the D.D.C. which are filed by Mahmood and Asgar.

12. Referring to the order dated 09.07.2013, the learned counsel for the respondent no.1 also made a submission that Asgar was party as an intervener in the earlier two writ petitions, namely, WPMS No.877 of 2001 and WPMS No.4469 of 2001.

13. Learned counsel for the respondent no.1 has made the submission that the amendment application was preferred in Revision No.56 of 2013-2014 which was a revision preferred by Mahmood.

14. Learned counsel for the respondent no.1 while referring to the amendment application has made a submission that in the amendment application, filed in the Revision No.56 of 2013-2014, preferred by



Mahmood, it was specifically stated that the Deputy Director, Consolidation decided the Revision No.46, "Mahmood vs. Fazla" and Revision No.107, "Asgar vs. Haneef", vide a common judgment and order dated 10.09.1999. While adjudicating the said revision Asgar and Shaukat were affected by the earlier order dated 10.09.1999 which was passed by Deputy Director of Consolidation.

15. Jameel and Saleem are the sons of the Rahamilahi and also the legal representatives of Rahamilahi and Jahangir is the successor of Shaukat who are the necessary and proper party in the revision and during the preparation of the revision, it came to light that some of the facts have also been left out, therefore, the amendment has become necessary, therefore, the learned counsel for the respondent no.1 would submit that since they were proper and necessary parties and would be affected by any order that was to be passed in the revision, therefore, it was necessary to implead them as a party respondent.

16. The next submission of the learned counsel for the respondent no.1 is that the impleadment has been sought in compliance and in pursuance to the order dated 09.07.2013, passed in aforesaid writ



petitions bearing WPMS No.877 of 2001 and WPMS No.4469 of 2001 and while passing the impugned order dated 24.04.2015, the Deputy Director of Consolidation has taken note of the fact that in the order of the Hon'ble High Court it has been mentioned that the concerned parties be granted proper opportunity of hearing and only then the revision has to be decided on merit.

17. While passing the impugned order dated 24.04.2015, the Deputy Director of Consolidation has also taken into consideration that by impleading the aforesaid parties, the petitioner herein Fazla would not be affected in any manner. Asgar is the son of Rahamilahi and he was already heard in writ petition. Jameel and Saleem are also the sons of Rahamilahi, therefore, they would be affected by any order that would be passed in the revision pending before the Deputy Director of Consolidation.

18. Learned counsel for the respondent no.1 further states that the petitioner would also be estopped from challenging the impleadment of the LRs of deceased Mahmood, inasmuch as he had not objected to the legal representatives of the deceased Mahmood being brought on record.



19. After considering the entire facts and circumstances of the case, the legality of the impugned order dated 24.04.2015 falls for consideration of this Court.

20. Perusal of the order dated 24.04.2015 would reflect that the Deputy Director of Consolidation has given a thoughtful consideration to the entire facts and circumstances of the case. The Deputy Director of Consolidation has noted the rival submissions of both the parties and after hearing them he has come to the conclusion that the amendment deserves to be allowed and by allowing the said amendment application none of the parties would be prejudiced and thus proceeded to allow the amendment application in the interest of justice.

21. After considering all the facts and circumstances of the case, it is writ large on the face of the record that the amendment application has been filed by the revisionist in the pending revision before the Deputy Director of Consolidation in pursuance to the directions/ observations of this Court passed in writ petition bearing nos. WPMS No.877 of 2021 and in WPMS No.4469 of 2001 and by impleading the



respondent nos.3, 4, 5 and 6 the revision would be decided in a proper and effective manner.

22. Perusal of the impugned order dated 24.04.2015 would also show that the Deputy Director of Consolidation has considered that in consolidation proceedings the rights and title of the parties are decided in a final manner and, therefore, it would be in the interest of justice that the parties are represented and the amendment application be allowed and all the parties are afforded opportunity of hearing. The said reasoning given in the impugned order is in tune with the order dated 09.07.2013, passed in writ petitions bearing no. WPMS No.877 of 2021 and WPMS No.4469 of 2021. The contentions that have been raised by the learned counsel for the petitioner that the parties who were being sought to be impleaded at the revisional stage were not the parties or that the revisionist/ respondent no.1 herein sought to implead parties have not themselves come forward for their impleadment, are misconceived submissions and they deserve to be ignored. The reasoning adopted by Deputy Director of Consolidation is as per law and the order dated 24.04.2015 appears to be reasoned and well considered order and does not require any interference.



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Thus, in view of the aforesaid facts and circumstances of the case, the impugned order dated 24.04.2015 does not require any interference. Thus, the writ petition deserves to be dismissed.

23. Accordingly, the writ petition is hereby dismissed.

SIDDHARTHA SAH, J.

Dated: 06.05.2026
Pant/