



2026:AHC:99421

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4296 of 1979

Raja Ram And Ors.

.....Petitioner(s)

Versus

D.D.C. And Ors.

.....Respondent(s)

Counsel for Petitioner(s) : Ashok Kumar, Rishu Mishra, Shobh Nath
Pandey, Shrawan Kumar Pandey, Uma Kant
Mishra
Counsel for Respondent(s) : C.K. Rai, Faujdar Rai, Onkar Nath Shukla,
R.P. Tewari, S.C., S.N. Pandey, Shrawan
Kumar Pandey, Shyam Narayan

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

Civil Misc. Delay Condonation Application No.8 of 2019

Heard.

Allowed.

Delay Condoned.

Civil Misc. Substitution Application No.9 of 2019.

Heard

Substitution Application allowed.

Substitution be carried out during 48 hours.

Civil Misc. Delay Condonation Application No.10 of 2019

Heard.

Allowed.

Delay Condoned.

Civil Misc. Substitution Application No.11 of 2019.

Heard

Substitution Application allowed.

Substitution be carried out during 48 hours.

Order on Writ Petition

1. Heard Sri Ashok Kumar, learned counsel for the petitioner, Sri S. Pandey for respondent nos.2 to 4 and Sri S.K.Pandey, learned counsel for the respondent nos.5 to

2. This writ petition is of the year 1979 (when two counsel appearing in present case before this Court were not even born), is pending for more than 47 years, whereas the issue is very small that whether in given circumstances Deputy Director of Consolidation could remand the matter for fresh consideration to Consolidation Officer or not, therefore, only consideration before this Court is that in case order of remand is correct, matter has to be decided afresh by Consolidation Officer and in case order of remand is incorrect it has to be decided on merit by Deputy Director of Consolidation.

3. An application for mutation filed by petitioner was allowed without any objection. Appeal filed by respondents were dismissed being not maintainable and that a revision thereof filed by respondent was allowed with above directions.

4. In no circumstances, this court can decide the matter on merit, though in normal circumstances such writ is not maintainable against orders passed in mutation proceedings being summary in nature, still therefore, at this stage to remand the matter to Consolidation Officer to decide it afresh will further delay the case, accordingly, it will be better if Deputy Director of Consolidation may decide the matter on merit instead of remanding the matter to Consolidation Officer since admittedly said authority has ample power under Section 48 of Uttar Pradesh Consolidation of Holdings Act, 1953 as held by this Court in various judgments. (See: **Anil Kumar Dubey Vs. Deputy Director of Consolidation, Sultanpur & Ors, 2025:AHC-LKO:28235** and **Santosh Kumar Vs. Deputy Director of Consolidation & Ors,2014:AHC:15309**) as well as of Supreme Court in **Ram Autar & Ors. Vs. Deputy Director of Consolidation & Ors, 1991 Supp 1 SCC 552** and learned counsel for the petitioner as well as respondents have no objection to this consideration.

5. In the aforesaid circumstances, impugned order dated 22.2.1979 is set-aside and matter is remanded back to Deputy Director of Consolidation to decide Revision Petition on merits after hearing the parties.

6. Writ Petition is accordingly disposed of.

(Saurabh Shyam Shamsbery,J.)

May 1, 2026
SB