



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 623 of 2026

Deen Dayal Agrawal

.....Petitioner(s)

Versus

Deputy Director Of Consolidation And 18 Others

.....Respondent(s)

Counsel for Petitioner(s) : Deepak Kumar

Counsel for Respondent(s) : C.S.C., Poonam Yadav, Raj Karan
Yadav, Yadvendra Kumar Yadav

Court No. - 54

HON'BLE CHANDRA KUMAR RAI, J.

Re: Civil Misc. Amendment Application No.5/2026.

1. Heard Sri D.K. Srivastava, learned counsel, holding the brief of Sri Deepak Kumar Agrawal, learned counsel for the petitioner-applicant, Sri Yadvendra Kumar Yadav, learned counsel for respondent nos. 2 to 5 and Sri Tarun Gaur, learned standing counsel for state-respondents.

2. In view of the facts mentioned in the affidavit filed in support of the application, the application is allowed.

3. Learned counsel for the petitioner shall incorporate the necessary amendment in the writ petition within a week.

Order on Writ Petition

1. Heard Sri D.K. Srivastava, learned counsel, holding the brief of Sri Deepak Kumar Agrawal, learned counsel for the petitioner, Sri Yadvendra Kumar Yadav, learned counsel for respondent nos. 2 to 5 and Sri Tarun Gaur, learned standing counsel for state-respondents.

2. Counsel for the petitioner submitted that jurisdiction under Section 48(3)/42-A of the U.P. C.H. Act has been exercised in illegal and arbitrary manner. He further submitted that no opportunity has been given to the petitioner in the proceeding in which the impugned order has been passed. He submitted that petitioner has purchased the

property in auction conducted by the civil court, as such, right of the petitioner cannot be taken away, without affording opportunity of hearing to the petitioner. He also placed reliance on the Full Bench decision of this Court passed Writ B No.757 of 2024 (Kaushal Kishore and Others vs. D.D.C./Chief Revenue Officer, Gonda and Others), decided on 19.12.2025 in order to demonstrate that jurisdiction under Section 48(3) of the U.P. C.H. Act in which impugned order has been passed, cannot be exercised.

3. Learned counsel for respondent nos. 2 to 5 submitted that no interference is required in the matter as finding has been recorded, considering the matter on the basis of the report submitted by the authorities. He also submitted that writ petition should be dismissed.

4. Matter requires consideration.

5. Issue notice to respondent nos.6 to 19, returnable at an early date.

6. Steps within 2 weeks.

7. Respondent Nos. 2 to 19 shall file their counter affidavits within 6 weeks. Petitioner will file rejoinder affidavit within two weeks thereafter.

8. **List on 14.7.2026**, before the appropriate Bench.

9. Until further orders of this Court, the effect and operation of the order dated 26.11.2025, passed by respondent no.1 in Case No.25/2020, so far as it relates to petitioner's plot no.607, area 10 *biswa* and 15 *dhooor*, shall remain stayed.

(Chandra Kumar Rai,J.)

April 10, 2026

C.Prakash