

**Court No. - 49**

**Case :-** WRIT - B No. - 811 of 2025

**Petitioner :-** Anil Kumar Singh

**Respondent :-** Deputy Director Of Consolidation Additional District Magistrate Auraiya And 3 Others

**Counsel for Petitioner :-** Prabal Kumar Dixit

**Counsel for Respondent :-** C.S.C.

**Hon'ble J.J. Munir,J.**

The petitioner is recorded in plot Nos. 1928, 2102 and 2203 *minjumla* of village Ratanpur, Mauja Samayan, Pargana Bidhuna District Auraiya on the basis of a *patta* granted in his favour after a resolution dated 13.07.1980 and its approval on 17.11.1980 by the Sub-Divisional Officer. In course of time, the petitioner's estate was enlarged into a *bhumidhari* with non-transferable rights and he remained recorded as such. During consolidation operation, respondent No. 2 who has no right, title or interest has come up with a case that the petitioner's entries are forged and without basis.

Issues were framed by the Consolidation Officer, but the complainant who is respondent No.3 filed an application that the entries being forged, the burden lay upon the petitioner to prove that his entries are genuine. This application was accepted by the Consolidation Officer, Hirmi, Tehsil Bidhuna, district Auraiya, who directed the petitioner to lead evidence that his entries were genuine in the first instance. This order was challenged before the Deputy Director of Consolidation by the petitioner, who held that the burden lay upon the petitioner to prove the validity of his entries. Both the

authorities below in coming to the conclusion that the petitioner's rights recorded in the revenue records were forged or suspicious relied on proceedings on the mutation side where the petitioner's entries were expunged but restored by the Additional Commissioner, Kanpur Division Kanpur with a remand of the case.

It is submitted that it is a salutary principle that the objector bears the burden to prove that recorded entries in the revenue records are forged. There cannot be any presumption against it or the burden shifted upon the petitioner. The order impugned passed by the Consolidation Officer and affirmed by the Deputy Director of Consolidation, requiring the petitioner in objections under Section 9A(2) filed by the respondents to prove his case in the first instance by leading evidence, is based on perverse reasoning emanating from utter ignorance of the law that lay tribunal are plagued with. The contention appears to be prima facie sound.

Admit.

Issue notice.

Notice on behalf of respondent Nos.1,2 and 4 is accepted by Mr. P.K. Tripathi, learned Additional Chief Standing Counsel. He is granted two weeks' time to file a counter affidavit.

Steps to serve respondent No. 3 shall be taken by RPAD within three days.

List this petition for orders on 24th March, 2025 along with a report regarding service and the postal track attached.

The office shall also put in a report regarding status of

pleadings.

**Order on Civil Misc. Stay Application No. 01 of 2025**

Issue notice.

Until further orders of this Court, operation of the impugned order dated 21st October, 2024, passed by the Deputy Director of Consolidation/Additional District Magistrate, District Auraiya and the order dated 13th June, 2023 passed by the Consolidation Officer, Hirmi, Tehsil Bidhuna, District Auraiya as also the further proceedings before the Consolidation Officer, in Case No. 20617 of 2025, Subhash Chandra Vs. Anil Kumar under Section 9A(2) of the U.P. Consolidation of Holdings Act, shall remain stayed.

Let this order be communicated to the Deputy Director of Consolidation/Additional District Magistrate District Auraiya the Consolidation Officer, Hirmi, Tehsil Bidhuna, District Auraiya and the Consolidation Officer, Auraiya through the Civil Judge (Senior Division) Auraiya, by the Registrar (Compliance) **today**.

**Order Date :- 4.3.2025**

NSC