

Court No. - 49

Case :- WRIT - B No. - 4090 of 2024

Petitioner :- Amarpal Singh

Respondent :- Deputy Director Of Consolidation And 11 Others

Counsel for Petitioner :- Bipin Bihari,Rupesh Kumar Ram

Counsel for Respondent :- C.S.C.,Pramod Kumar Singh,Sunil Kumar Singh

Hon'ble J.J. Munir,J.

It is very arguable in view of the judgement of the Division Bench in **Pramila Tiwari vs. Anil Kumar Mishra and others, 2024 0 Supreme (All) 755**, if the registration of a Will relating to agricultural land is compulsory. Learned counsel for respondent nos. 5 and 10, Mr. Devottam Pandey argues that this is a Will dated 06.01.2003 where the testator died on 18.06.2023, when succession opened out. On the said date, it was not sub Section (3) of Section 169 of the U.P. Z.A.&L.R. Act that held field but Section 107(3) and 107(5) of the U.P. Revenue Code, 2006 which provide for compulsory registration of Wills relating to agricultural land. It is submitted that the Division Bench in **Pramila Tiwari (supra)** does not invalidate or strike down the provisions of Section 107 of the U.P. Revenue Code which are still in force.

The issue requires consideration.

Issue notice.

Notice on behalf of respondent nos. 5 and 10 is accepted by Mr. Devottam Pandey. Mr. Sunil Kumar Singh, Advocate accepts notice on behalf of respondent no. 6 whereas that on behalf of respondent nos.1,2,3 and 4 by Mr. Ashish Chandra Nisad, learned Standing Counsel. All the learned counsel for the respondents are granted two weeks time to file a counter affidavit.

Steps to serve respondent nos. 6,7,8, 9, 11 and 12 shall be taken by RPAD within three days.

List for **admission** on **20.01.2025** along with a report regarding service together with the postal track attached. The office shall put in a report regarding status of pleadings.

Till the next date of listing, operation of the impugned order dated 10.07.2024 passed by the Deputy Director of Consolidation, Bulandshahar in Revision No. 204 of 2024, Computer Case No. 202354111700000771 shall remain stayed and respondent nos. 5 and 7 to 12 are restrained from interfering in the petitioner's possession over the property in dispute or altering its nature and character.

Order Date :- 6.1.2025

Brijesh Maurya