

**(2016) 02 AHC CK 0039**  
**In the Allahabad High Court**  
**Case No : Consolidation No. 2891 of 2016**

Ved Prakash

APPELLANT

Vs

Deputy Director Consolidation District Barabanki And Ors.

RESPONDENT

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**Date of Decision :** 10-02-2016

**Acts Referred:**

Uttar Pradesh Consolidation of Holdings Rules, 1954 — Rule 109A  
Uttar Pradesh Land Revenue Act, 1901 — Section 33, 39

**Citation :** (2016) 130 RD 811

**Hon'ble Judges :** Ram Surat Ram (Maurya), J.

**Bench :** Single Bench

**Advocate :** C.S.C, Tushar Verma, Advocate, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Ram Surat Ram (Maurya), J. - Heard Sri Vashu Deo Mishra for the petitioner and Sri Ashok Kumar Verma for the contesting respondents.

2. The writ petition has been filed against the orders of Deputy Director of Consolidation dated 31.12.2015 by which revision has been allowed and amaldaramad of alleged order dated 28.1.1980 was set aside.

3. The dispute between the parties was in respect of old plot nos. 663 950, 951, 955, 977 and 1002/1 after consolidation, which were allotted new numbers as plot nos. 71, 79 and 94 of village Lane, pargana and tehsil Ramnagar, district Barabanki.

4. It is alleged that the petitioner filed an application (registered as Case No.13283) under Section 33/39 of U.P. Land Revenue Act, 1901, which was decided by order dated 28.1.1980 and on its basis the name of the petitioner was recorded over plot no.71 aforesaid. Subsequently, Hanuman (respondent- 3) filed a revision before the Deputy Director of Consolidation alleging that the alleged amaldarmad of order 28.1.1980 was forgery in the revenue record. Deputy Director of Consolidation by order dated 29.4.1999 prima facie found that

it appeared to be forgery in the revenue record. Subsequently, petitioner managed to secure another order dated 24.2.1994 in Case No.819 under Rule 109A of U.P. Consolidation of Holdings Rules, 1954 by which amaldaramd of order dated 28.1.1980 is alleged to have been made. The matter was heard by Deputy Director of Consolidation, who by the order dated 31.12.2015 found that the record of Case No.13283 decided on 28.1.1980 was not consigned to record room. From the evidence produced by Hanuman along with its proof that plot nos. 663, 950, 951, 955, 977 and 1002/1, total area 5-0-6 bigha of the village was allotted to Dukhi along with thirty eight other persons on 31.1.1976 and on its basis names of Dukhi and other allottees were mutated in khatauni 1381-1386 fasli. Thereafter consolidation intervened in the village and chaks were carved out in the name of Dukhi and others on the aforesaid plots and after carving out of the chaks final consolidation record was prepared in which old plots were allotted as new plots no. 71, 79 and 94. Although petitioner alleged that all the aforesaid plots were allotted to him through patta dated 5.1.1971 but amaldaramad was made of plot no. 71 alone. Thus, amaldaramad is a forged amaldaramad and is liable to be set aside. On this finding Deputy Director of Consolidation allowed the revision and set aside amaldaramad by order dated 28.1.1980 passed in Case No. 13283. Hence, this writ petition has been filed.

5. I have considered the arguments of the counsel for the petitioner.

6. The petitioner claims that the land in dispute was allotted to him on 5.1.1971. Although the petitioner belongs to Brahman by caste and does not fall in eligibility criteria for allotment of land as provided under Section 198 of U.P. Act No. 1 of 1951 at that time. Thus, there could have been no allotment in favour of the petitioner. Subsequently, admittedly, the village was placed under consolidation operation and it was closed after notification under Section 52 of the U.P. Consolidation of Holdings Act, 1953(hereinafter referred to as "the Act") but the petitioner did not file any objection claiming title over the land in dispute during consolidation operation as such in view of the provision of Section 33/39 of the Act entry made during consolidation operation cannot be corrected under the aforesaid proceeding and claim of the petitioner is barred under Section 49 of the Act. The finding of fact recorded by Deputy Director of Consolidation holding amaldaramad as forgery in the revenue record is based on cogent reasons and no interference is required in it.

7. The writ petition has no merit and it is dismissed.