2026 INSC 1199

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
[@ S.L.P. (C) No. 15053 of 2017]

RAMA PANDEY AND OTHERS **... APPELLANT(S)**

VERSUS

RAM LAL (DEAD) THROUGH LR. AND OTHERS **... RESPONDENT(S)**

J U D G M E N T

S.V.N. BHATTI, J.

1. Leave granted.

2. The Respondents filed Civil Writ Petition No. 1895 of 1993 in the High Court of Judicature at Allahabad, challenging the Order of the Deputy Director of Consolidation, Basti Camp, Parasrampur ("DDC"). In the impugned Judgment, the High Court reversed the DDC's Order dated 31.12.1992.

3. The subject matter of the Appeal is Plot No. 159 of village Barahpur Pandey, Pargana Amorha, Tehsil Harraiya, District Basti, Uttar Pradesh. On 12.10.1973, consolidation operations commenced in the subject village under Section 4(2) of the Uttar Pradesh Consolidation of Holdings Act, 1953 ("the Act"). The subject matter was included in the Statement of Principles prepared on 12.10.1974. On 31.10.1974, Notices were issued inviting objections under Section 9 of the Act. The parties state that they received no objections. On

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Reason:

03.04.1978, the provisional Consolidation Scheme was published, and the Assistant Consolidation Officer ("ACO"), by proposing the carving out of *chaks*, allotted portions of the subject matter to the Appellants herein. The Appellants also admitted that they had no right in the subject matter. On 28.04.1982, the authorities delivered possession of *the* chaks to the allottees. Respondents claimed to be the original tenure holders and complained of displacement from the roadside plot and allotment of *udan chaks*.

4. On 13.01.1986, the Assistant Director of Consolidation, Basti ("ADC") allowed the Respondents' revision along with connected Revisions, set aside the allotment scheme, and remanded the matter to the Consolidation Officer to carve out *chaks* afresh. The ADC found that the roadside land in the subject matter had been irregularly allotted to persons, thereby denying the original plot holders. The gist of the ADC's Order is set out below:

a) On perusal of the records and spot inspection, it is found that the main village roads lead towards Ayodhya, where the market is situated, thereby giving roadside land high commercial value.
b) That persons with no original holding near the road were arbitrarily allotted *chaks* on the road, whereas others were allotted roadside areas far exceeding their original holdings.
c) That C.H. Form 2A and C.H. Form 23 Part (1) contained incorrect postings, discrepancies in valuation and area, and entries that did not match the Sector Register.
d) The ACO committed serious illegalities and arbitrary allotments in violation of repeated Directorate instructions.

e) That C.H. Form 23 Part (1) lacked the signatures of the ACO and the Consolidation Officer, necessitating an administrative explanation. Such widespread illegalities, arbitrary roadside allotments, and large-scale leave-outs (*bachat*) could not be addressed at the revisional stage.

f) Allowed the revisions, set aside the orders of the Consolidation Officer and the Settlement Officer of Consolidation, and remanded the matter to the Consolidation Officer to reconsider the *chak* objections, re-examine the double and *bachat* entries, and carve out the village *chaks* afresh within one month, in accordance with the Directorate's instructions.

5. On remand, the Consolidation Officer, by Order dated 06.06.1992, again confirmed the allotment of the subject matter in favour of the Appellants. The Respondents, aggrieved by the Order dated 06.06.1992, filed Appeal No. 695 of 1992 before the Settlement Officer of Consolidation, Basti ("SOC").

6. The SOC conducted a spot inspection and recorded that the subject matter abuts the main road and that the original right holders were not properly allotted. Based on this observation, vide its Order dated 18.09.1992, the SOC concluded that, contrary to the extant procedure and the circulars issued by the Government, the subject matter had been included in the Consolidation under the Act. Aggrieved by the above Order, the parties preferred Revision before the DDC. On 31.12.1992, the DDC reversed the SOC order dated 18.09.1992 via a common Order. Respondents filed the instant Writ Petition challenging the Order dated 31.12.1992. Through the impugned Order, the High Court examined the crux of the controversy in detail and set

aside the DDC order dated 31.12.1992. The findings in the impugned Order can be summarised as under:

a. Clause 5 of the Circular dated 09.09.1988 reinforces the earlier Circular dated 26.05.1981 and directs that roadside lands of commercial value should not be included in consolidation operations.
b. The principal under Section 19 of the Act and the circulars issued from time to time support the case of the Tenure Holder, as they provide that such land ought to be excluded from the consolidation scheme, and even if it is retained in the consolidation scheme, allotment of such land ought to be made to the persons who were the original Tenure Holders of such land.
c. The purpose of the consolidation proceedings was not to dislodge tenure holders from their prime land by allotting it to strangers. Being tenants of the land situated on the roadside, the tenure holder was apparently entitled to retain it.
d. Since a valuation had been assigned to the subject matter, which the petitioners apparently did not question under Section 8-A, the SOC could not justify excluding the land from consolidation operations under Section 11-A of the Act. Nevertheless, that valuation ought to have been adjusted against the land required to be allotted to the petitioner. The DDC has committed manifest illegality in allotting roadside land to strangers while rejecting the tenure holder's claim.
e. It directed the DDC to issue a fresh Order restoring allotment of the subject matter to the original tenure holders in their respective ratios within two months, with possession to be restored within a further two months.

f. The petitioners' plea of equity based on raising structures was rejected because the constructions were raised in haste after the DDC Order dated 31.12.1992, even though the writ petition was filed in January 1993 and an interim stay was granted on 29.01.1993.

7. Hence the Civil Appeal.

8. Mr. Punit Vinay, learned Counsel appearing for the Appellants, submits that the objections to the provisional allotment dated 28.04.1982 were raised nearly four years after the allotment. The basis for reversing the DDC's order is that the parcel of land abutting the road was excluded from the consolidation proceedings. The Circular dated 09.09.1988 is inapplicable. The Respondents/Objectors were granted lands abutting the subject Plot. The High Court proceeded on the erroneous assumption that only one Revision was pending before the DDC.

9. Mr. Pradeep Kumar Yadav, learned Counsel appearing for the Respondents, argues that the consolidation was undertaken contrary to the extant Circulars. Through the consolidation, persons entitled to confirmation are removed from the subject matter and are allotted elsewhere. Neither a valid reason nor any ground warrants the course adopted by the Consolidation Officer. The roadside land, in the first place, should not have been included in the consolidation. The consolidation dislodges persons in possession and entitled to confirmation of the subject matter. Aggrieved by the allotment, the Respondents preferred a Revision before the ADC, who allowed it and remanded the matter. The 4-year term relied on by the Appellants is inapplicable once the Consolidation Officer's Order is set aside for apparent illegalities. The SOC has conducted a spot inspection, and the Spot Inspection

Report establishes that the inclusion of the subject matter in the Consolidation Proceedings is, *prima facie*, illegal.

10. We have taken note of the respective submissions and perused the record. Let us first set out the circumstances before addressing the points urged by the Appellants.

11. In the Consolidation Proceedings, the record does not make it clear whether the valuation of the subject matter or its physical location was properly considered. The Appellants, admittedly, did not hold any right *vis-à-vis* the subject matter. On the contrary, the Respondents are the original tenure holders. The SOC's Spot Inspection Report and its Order dated 18.09.1992 make it clear that the subject matter abuts the highway. The inclusion of the subject matter and its allotment to the Appellants, who have no preferential right, is not supported by any valid reason. The DDC recorded mechanical reasons for setting aside the SOC's Order. As noted in the impugned Judgment, the Consolidation Officer did not consider these crucial aspects. The High Court, therefore, was right to interfere with the DDC's Order dated 31.12.1992. The High Court has been well within its jurisdiction and has recorded findings on the DDC's erroneous approach. The Appellants' contentions are merely noted and do not outweigh the reasoning adopted in the impugned Judgment. In the circumstances of the case, the preference is given to spot inspection of the SOC, and the location appears to abut a main road. The inclusion of such property in the Consolidation is satisfactorily stated by the original allotment. The High Court rightly interfered with the allotment by denying it to the original tenure holder and allotting it to the Appellants, who have no tenure right.

12. For the reasons stated above, we see no ground to interfere with the impugned Judgment. The Civil Appeal fails and is dismissed. No order as to costs.

13. Pending application(s), if any, stand disposed of accordingly.

.....J.
[S.V.N. BHATTI]

.....J.
[N. V. ANJARIA]

New Delhi;
November 5, 2026.