



2026:UHC:2240

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2717 of 2023

31 March, 2026

Mohd Yakub and Ors. --Petitioners

Versus

State Of Uttarakhand and Ors. --Respondents

Presence:-

Mr. Mohd. Safdar, learned counsel for petitioners.

Mr. Suyash Pant, learned Standing Counsel for State of Uttarakhand/respondents.

Hon'ble Pankaj Purohit, J. (Oral)

Rejoinder affidavit filed by petitioners is taken on record. Misc. Application (IA No.3 of 2026) stands disposed of.

2. On consent of both the parties, the matter is being finally heard on merits.

3. By means of the present writ petition under Article 226 of the Constitution of India, petitioners have challenged the impugned notification dated 19.05.2022 (Annexure No.3) issued by respondent No.2 with regard to the entire consolidation proceedings for entire village Mirzapur Mustafabad, Tehsil Roorkee, District Haridwar.

4. The brief facts of the case are that petitioners are permanent residents of village Mirzapur Mustafabad, Ahatmal Haridwar, District Haridwar, having agricultural lands and residential house in the said village. It is submitted that consolidation proceedings in the village were earlier undertaken in the year 2000-01 and stood concluded, culminating in issuance of notification under Section 52 of the U.P. Consolidation of Holdings Act, 1953 (hereinafter to be referred to as 'the Act'), on 23.06.2010. According to petitioners, during the earlier consolidation proceedings, land recorded as 'Nadi' (river land) could not be included. It is further submitted that in an open meeting



of the Gram Sabha held on 02.10.2019, a proposal was unanimously passed to undertake consolidation proceedings only in respect of such left-out land recorded as 'Nadi'. However, instead of restricting the exercise to said land, respondents-State issued the impugned notification dated 19.05.2022 directing consolidation proceedings for the entire village, which, according to the petitioners, is arbitrary, unjustified and contrary to law. Thus, petitioners are before this Court.

5. Learned counsel for the petitioners submits that once consolidation proceedings had attained finality under Section 52 of the Act, reopening of the same for the entire village is impermissible. It is contended that the impugned notification is in violation of Section 4-A(1) of the Act, particularly the proviso thereto, which restricts issuance of fresh notification within twenty years of the earlier notification. He further submits that no special circumstances or public interest has been recorded to justify such exercise of power within the restricted period.

6. It is further argued by learned counsel for petitioner that the Gram Sabha resolution was limited only to 'Nadi' land and the respondents-State have acted beyond the scope of such proposal. Additionally, it is contended that no proper survey, inspection or consultation with tenure holders was undertaken prior to issuance of the impugned notification, thereby rendering the same arbitrary and liable to be quashed.

7. Learned State Counsel has supported the impugned action and submitted that the notification has been issued in exercise of statutory powers under Section 4-A(1) of the Act.

8. Counter affidavit has been filed by respondents-State. It is contended in counter affidavit that the State Government is empowered to reintroduce consolidation



proceedings in public interest, even after earlier proceedings have been concluded. It is further submitted that the land recorded as '*Nadi*', which was left out in earlier proceedings, has a bearing on the overall consolidation scheme of the village, and effective consolidation cannot be carried out in a piecemeal manner. According to the respondents-State, decision to undertake consolidation for the entire village is based on administrative considerations and policy, keeping in view the interest of the villagers at large. It is also submitted that Gram Sabha resolution is merely recommendatory in nature and does not bind the State to restrict consolidation proceedings to a limited portion of land. Learned State counsel has thus contended that no illegality or arbitrariness is made out warranting interference under Article 226 of the Constitution of India.

9. Having heard learned counsel for the parties and having perused the entire material available on record, it appears that the principal challenge in present petition is to the notification dated 19.05.2022 issued under Section 4-A(1) of the Act, whereby consolidation proceedings have been directed to be undertaken in the entire village. At the outset, it is to be noted that consolidation of holdings is essentially an administrative exercise undertaken in larger public interest with the object of rationalizing land holdings and improving agricultural efficiency. The scope of judicial review in such matters is limited and the Court would not ordinarily interfere unless the action is shown to be contrary to statutory provisions or vitiated by mala fides or manifest arbitrariness. Section 4-A(1) of the Act empowers the State Government to issue a fresh notification bringing an area under consolidation operations, even where consolidation proceedings had earlier been undertaken. The proviso to the said provision places a restriction regarding issuance of such notification within a stipulated period;



however, the same also contemplates relaxation in cases where the State Government considers it expedient in public interest. In the present case, earlier notification under Section 52 was issued on 23.06.2010, and impugned notification has been issued on 19.05.2022. The State has justified the issuance of impugned notification on the ground that a portion of land, particularly land recorded as '*Nadi*', remained unadjusted and that effective consolidation requires reconsideration of the entire village layout. This Court finds that the power exercised by the State falls within the ambit of Section 4-A(1) of the Act, and the decision appears to have been taken on administrative considerations relating to proper and effective consolidation.

10. The contention of petitioners that the Gram Sabha's resolution dated 02.10.2019 was limited only to '*Nadi*' land, and therefore, the State could not have extended consolidation to the entire village, cannot be accepted. A resolution of Gram Sabha is recommendatory in nature and does not fetter the statutory powers of the State Government. The State is competent to take a holistic view of the matter and to determine the manner in which consolidation proceedings are to be undertaken. In matters of consolidation, a fragmented or partial exercise may not yield effective results, and it is within the domain of the authorities to decide that consolidation of the entire village is necessary to achieve the intended objective. The allegations of arbitrariness and mala fide raised by the petitioners are not supported by any cogent material on record. Mere assertions, without substantiation, are insufficient to hold that the impugned action is vitiated on account of mala fide or arbitrariness. The submission regarding absence of survey or consultation prior to issuance of the notification also does not persuade this Court to interfere, as such aspects pertain to the procedure



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to be followed during the course of consolidation proceedings, wherein adequate opportunity is available to the tenure holders to raise objections and put forth their claims. The argument that earlier consolidation proceedings had attained finality under Section 52 of the Act is also not of assistance to the petitioners, inasmuch as Section 4A(1) itself provides for reintroduction of consolidation operations in appropriate cases. Thus, the finality under Section 52 is not absolute and is subject to the statutory provisions permitting reopening in public interest.

11. In view of the aforesaid discussion, this Court is of the considered opinion that impugned notification dated 19.05.2022 has been issued in exercise of statutory powers under Section 4A(1) of the Act in public interest and upon administrative considerations. The petitioners have failed to demonstrate any violation of statutory provisions, mala fide or manifest arbitrariness warranting interference under Article 226 of the Constitution of India.

12. Accordingly, the writ petition lacks merit and is, hereby, dismissed.

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

(Pankaj Purohit, J.)

31.03.2026

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