2026:AHC:191554

Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 17043 of 2026

Nanhki @ Naimunnisha

…..Petitioner(s)

Versus

State of U.P. and 3 others

…..Respondent(s)

Along with:

1. Writ – C No. 17171 of 2026:
Nanhki @ Naimunnisha
Versus
State of U.P. and 3 others

2. Writ – C No. 17214 of 2026:
Nanhki @ Naimunnisha
Versus
State of U.P. and 3 others

Counsel for Petitioner(s)	:	Panchu Ram Maurya, Shashank Maurya
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri P. R. Maurya and Sri Shashank Maurya, learned counsel for the petitioners, Sri Anoop Trivedi, learned Senior Advocate and Additional Advocate General, assisted by Sri Abhishek Shukla, learned Additional Chief Standing Counsel & Sri Anubhav Chandra, learned Standing Counsel, for the State respondents and Sri Pradeep Singh, learned counsel for the respondent Gaon Sabha.

2. All the connected writ petitions have been filed challenging separate orders dated 22.01.2026 passed by the competent revenue authority/Dy. Collector, Duddhi, District Sonbhadra, the respondent no.3, in proceedings under Sections 104 and 105 of the Uttar Pradesh Revenue Code, 2006 (hereinafter referred to as "the Code"), whereby the transfer of the land in favour of the petitioner, having been held at different point of time, have been held to be in violation of the provisions of Section 157-B, of the U. P. Zamindari Abolition and Land Reforms Act, 1950/ Section 99 of the Code and consequently void, along with the direction to vest of the land in the State Government.

3. The facts of the case are that the petitioner, Nanhki @ Naimunnisha, resident of Village Korchi, Pargana and Tehsil Duddhi, District Sonbhadra, claims to belong to the Bhuiyan Scheduled Tribe by birth. She claims to be the daughter of Mahaveer, who belonged to the Bhuiyan community, and relies upon a Scheduled Tribe certificate issued in her favour by the Tehsildar, Duddhi. Thereafter, she purchased the agricultural lands in dispute, situated at Village Bagharu, Pargana and Tehsil Duddhi, District Sonbhadra, by means of registered sale deeds. According to the petitioner, her Vendors belonged to the Gour Scheduled Tribe and, consequently, the transaction was between two persons belonging to the Scheduled Tribe. The petitioner asserts that the caste status of the parties was disclosed in the sale deeds itself and that she has remained in physical possession of the property ever since the transaction.

4. The registered sale deeds remained unchallenged before any competent court for about nine years and was never cancelled. Revenue entries in favour of the petitioner were also made pursuant to the sale deeds.

5. Subsequently, proceedings were initiated by the competent revenue authority under Sections 104 and 105 of the Code. Notice dated 12.12.2025 was issued to the petitioner, who submitted her reply on

07.01.2026. In her reply, she denied the allegations and reiterated that she was a member of the Bhuiyan Scheduled Tribe, that the vendor was also a member of the Scheduled Tribe and that there had been no concealment or violation of the statutory provisions. She relied upon her Scheduled Tribe certificate, the registered sale deeds and the revenue records. The Deputy Collector, Duddhi, District Sonbhadra, the respondent no.3, however, by separate orders dated 22.01.2026, held the sale deeds, being in contravention of the provisions of section 99 of the Code/ Section 157-B, of the U. P. Zamindari Abolition and Land Reforms Act, 1950, is void, and directed that the disputed land be dealt with in accordance with the statutory consequences, including vesting in the State Government.

6. Aggrieved by the orders of the respondent no.3, dated 22.01.2026, the petitioner has consequently approached this Court under Article 226 of the Constitution seeking quashing of the said orders and protection of her possession over the property.

7. Writ-C No. 17043 of 2026, has been filed challenging the order dated 22.01.2026, passed by the respondent no.3, by which the sale deed dated 25.07.2017,executed by Bajrangi, in favour of the petitioner, in respect of 0.0150 hectare land in plot no.4123, total area 0.1900 hectares, situated in village Bagharu, Tehsil Duddhi, District Sonbhadra, has been held to be void.

8. Writ-C No. 17171 of 2026, has been filed challenging the order dated 22.01.2026, passed by the respondent no.3, by which the sale deed dated 04.11.2011, executed by Ramswarath, in favour of the petitioner, in respect of 0.3905 hectare land in plot nos. 3267Ka, 3268, 3264Ka, 3266, 3314KaM and 3291M, total area 0.3905 hectares, situated in village Bagharu, Tehsil Duddhi, District Sonbhadra, has been held to be void.

9. Writ-C No. 17214 of 2026, has been filed challenging the order dated 22.01.2026, passed by the respondent no.3, by which the sale deed dated 26.11.2018, executed by Sitakunwar, in favour of the petitioner, in respect of 0.0084 hectare land in plot no. 3144Ka area 0.0084 hectares, situated in village Bagharu, Tehsil Duddhi, District Sonbhadra, has been held to be void.

10. The learned counsel for the petitioner disputed the allegation of conversion of the petitioner to Islam. It is submitted that she continues to belong to the Bhuiyan Scheduled Tribe and has not abandoned her original religion or tribal identity. It is contended that the mere fact that she married Sirajuddin according to Islamic rites, or that certain documents describe her as Muslim, cannot conclusively establish that she ceased to belong to the Scheduled Tribe. She continued to live in her village and follow the customs of the Scheduled Tribe and that there is no reliable evidence demonstrating her severance from the Bhuiyan community.

11. Learned counsel for the petitioner submitted that the impugned order proceeds upon an erroneous assumption that a person belonging to a Scheduled Tribe automatically loses her tribal status upon marriage to a man of another religion. According to learned counsel, the petitioner's status was acquired by birth and there is no provision in the Constitution (Scheduled Tribes) Order, 1950 analogous to paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, which excludes a person from Scheduled Tribe status merely on account of change of religion, due to marriage. It is therefore submitted that even assuming the petitioner had adopted another religion, that circumstance could not by itself extinguish the status acquired by birth.

12. Learned counsel for the petitioner relied upon the decision of the Supreme Court in the case of **Rameshbhai Dabhai Naika v. State of Gujarat, 2012 (3) SCC 400**, to contend that a status acquired by birth is not ordinarily displaced merely by marriage with a person belonging to

another community. It is submitted that marriage, by itself, does not automatically extinguish a status acquired by birth, particularly where the person continues to retain the characteristics and acceptance of the concerned community.

13. It is next submitted that the petitioner was issued a Scheduled Tribe certificate by the competent authority after due inquiry and verification and that the registered sale deeds itself disclosed the caste status of the parties. Learned counsel submits that there was, therefore, no concealment of the petitioner's caste status and that the State cannot, after several years, simply disregard a certificate issued by its own competent authority. The absence of any order cancelling the certificate has also been emphasised. It is contended that the inquiry upon which the impugned order rests was conducted many years after the marriage and relies substantially upon circumstances relating to marriage and religion which, even if true, cannot conclusively establish loss of tribal status.

14. The petitioner has further assailed the proceedings on the ground of delay. It is submitted that almost all the sale deeds were executed between 2011 and 2018, whereas notice under Sections 104 and 105 was issued only on 12.12.2025. After more than a decade, the State, according to learned counsel, could not reopen a concluded and registered transaction merely on the basis of a subsequently generated inquiry, particularly when the sale deed was never cancelled and the caste particulars of the parties were disclosed therein. It is also argued that the petitioner has remained in possession and that the delay, in the absence of any satisfactory explanation, renders the proceedings arbitrary.

15. The petitioner has also alleged non-consideration of material evidence and violation of natural justice. It is submitted that the Scheduled Tribe certificate, registered sale deed and revenue records were placed before the competent authority but were not properly

considered and that the petitioner was not afforded a meaningful opportunity to establish her status.

16. Per contra, learned Senior Counsel/Additional Advocate General assisted by learned counsel appearing for the State respondents has submitted that the writ petition is not maintainable in view of the efficacious statutory remedy available under Section 210 of the Code. It is contended that the impugned order is revisable before the competent revisional authority/Board of Revenue and that the petitioner ought to have exhausted the statutory remedy rather than directly invoking the extraordinary jurisdiction of this Court. Reliance has been placed upon **Paltoo Ram Yadav v. State of U.P. & Others, Neutral Citation No. 2023:AHC:166655**, in support of the objection regarding availability of the revisional remedy.

17. On merits, the learned Senior Counsel has submitted that the petitioner's Scheduled Tribe status had ceased to be available to her by the relevant date in view of her subsequent religious and social identity. The respondents rely upon the inquiry reports dated 19.11.2025, 18.12.2025 and 19.01.2026, the statements recorded during the inquiry, identity documents and the family register. According to the State, the material establishes that the petitioner, originally known as Nanhki, married Sirajuddin according to Islamic rites, thereafter adopted the name Naimunnisha, lived with him for several decades and raised two children, one son and one daughter, bearing Muslim names, Ejajuddin and Haseena Bano. The family register, according to the respondents, records her religion as Muslim. These circumstances are relied upon not as an isolated instance of inter-religious marriage but as evidence of a prolonged adoption of a different religious and social identity.

18. It was further submited that the petitioner has not produced any substantive material demonstrating that, notwithstanding these circumstances, she continued to follow the customs, traditions and social practices of the Bhuiyan Scheduled Tribe, continued to participate in its

community life or continued to be recognised and accepted by the Bhuiyan community as one of its members. Learned counsel therefore submits that once the respondents placed before the authority material indicating a long-standing identity inconsistent with the tribal status claimed by the petitioner, a mere assertion in the pleadings that she continued to be a member of the Bhuiyan tribe was insufficient.

19. The learned Senior Counsel distinguished the case of *Rameshbhai Dabhai Naika (supra)* on the ground that it concerned the status of a child in the context of marriage and parentage and cannot be treated as laying down that a person who has completely severed her connection with the tribal community and adopted another religious and social identity continues to enjoy the statutory benefits reserved for members of the Scheduled Tribe. He submitted that the present case is distinguishable because their case is based upon a prolonged course of conduct and social identity and not merely upon the fact of marriage.

20. Learned Senior Counsel relied upon the judgment of the Supreme Court in **State of Kerala v. Chandramohanan, 2004(3) SCC 429**. It is submitted that the Supreme Court recognised that a member of a tribe may continue to remain a member notwithstanding conversion if the person continues to possess the tribal traits and follows the customs and traditions of the tribe. In such a situation, it has to be established that a person who has embraced another religion is still suffering from social disability and also following the customs and tradition of the community, which he earlier belonged to.

21. Reliance has also been placed upon the decision in **Chinthada Anand v. State of Andhra Pradesh & Others, 2026 (3) Supreme 514**, the relevant paragraph reads as under:-

> "From the above, it becomes clear, that once a person belonging to a Scheduled Tribe converts to another religion, ultimately through the passage of time, the customs, rituals and other traits of that particular tribe may fall into eclipse. If so, in such

> circumstance, it is proved that the person in question has completely renounced himself from the customs, rituals and other traits of his tribe, and has assimilated into the converted religion following the practices and customs of that particular religion, a reasonable inference can be drawn that such a person shall not be considered a part of the tribe."

22. The learned Senior Counsel further argued that the petitioner cannot derive any advantage from the Scheduled Tribe certificate if, as alleged, the certificate was obtained by suppression of material facts. It is contended that the petitioner represented herself as the daughter of Mahaveer and relied upon her tribal origin without disclosing the long-standing marriage with Sirajuddin, the subsequent name Naimunnisha and the circumstances relating to her religious and social identity. A certificate obtained upon a false or incomplete factual representation, cannot become conclusive merely because it was issued by a public authority. The competent authority was consequently justified in examining the petitioner's actual status when the relevant facts came to light.

23. The respondents have also relied upon Sections 99, 104 and 105 of the Code and Section 157-B of the repealed U. P. Zamindari Abolition and Land Reforms Act, 1950. Their submission is that the statutory protection attaches to land belonging to a member of the Scheduled Tribe and restricts its transfer to a person who does not possess the status prescribed by the statute. Consequently, if the petitioner did not possess the requisite Scheduled Tribe status on the date of transfer in her favour, it was prohibited notwithstanding the registration of the sale deed. Registration, payment of consideration or mutation in the revenue records, according to the respondents, cannot validate a transaction which the statute itself prohibits. The consequence of a prohibited transfer, they submit, is governed by Sections 104 and 105 of the Code. In support of their argument reliance has been placed on the judgment of

the Supreme Court in **Additional Commissioner, Revenue v. Akhlaq Hussain and another, 2020 (4) SCC 507**.

24. Having considered the submissions made by the learned counsel for the parties and having perused the material brought on record, the first question which arises for consideration is the preliminary objection regarding availability of an alternative statutory remedy. Learned Senior Counsel appearing for the State has submitted that the impugned orders are revisable under Section 210 of the Code and that the petitioner ought to have availed the said remedy. There can be no quarrel with the general proposition that where an efficacious statutory remedy is available, this Court ordinarily exercises self-restraint in entertaining a petition under Article 226 of the Constitution. The rule, however, is one of discretion and does not constitute an absolute bar to the exercise of the constitutional jurisdiction of this Court.

25. In the present case, the controversy is not confined to a challenge to the appreciation of evidence by the revenue authority. The proceedings concern transfers made prior to the commencement of the substantive provisions of the Uttar Pradesh Revenue Code, 2006, whereas the impugned orders have been passed in proceedings under Sections 104 and 105 of the Code. The question as to the statutory regime governing such pre-Code transactions, and the applicability of the protective provisions relating to transfers by members of the Scheduled Tribe, therefore, arises for consideration. The matter also involves the legal test for determining whether a person admittedly born in a Scheduled Tribe continued to possess that status on the respective dates of the transactions. These questions bear upon the legality of the very exercise undertaken by the revenue authority. In the circumstances, and having regard to the nature of the questions arising for determination, this Court considers it appropriate to examine the challenge on merits rather than relegate the petitioner to another round of proceedings. The decision of the Coordinate Bench in **Qamar Abbas v. Additional Commissioner, 2024 (1) ADJ 640**, also indicates that the

existence of a statutory remedy does not result in mechanical rejection of a writ petition in every case. The preliminary objection regarding alternative remedy is, accordingly, rejected.

26. The central question, on merits of the controversy, is whether the petitioner possessed the status of a member of the Bhuiyan Scheduled Tribe on each of the respective dates on which the disputed sale deeds were executed. The fact that the petitioner claims to have been born in the Bhuiyan community is not, by itself, decisive of the question which arises in the present proceedings. What is required to be examined is whether, notwithstanding the circumstances relied upon by the respondents concerning her subsequent religious and social identity, she continued to possess the tribal identity and community affiliation necessary to constitute membership of the Scheduled Tribe on the respective dates of the transactions.

27. The submission of learned counsel for the petitioner that mere conversion to another religion does not, by itself, automatically extinguish Scheduled Tribe status is well founded to that limited extent. In *Chandramohanan (supra)*, the Supreme Court held that there can be no broad proposition of law that a person ceases to be a member of a Scheduled Tribe merely by reason of change of religion. The question whether, notwithstanding conversion, a person continues to remain a member of the tribe is essentially a question of fact, to be determined with reference to the tribal traits, customs, traditions and continuing connection with the tribal community. The same principle has been reiterated in *Chinthada Anand (supra)*, wherein the Supreme Court has clarified that the Constitution (Scheduled Tribes) Order, 1950 does not prescribe any religion-based exclusion and that the determination of Scheduled Tribe status must turn upon whether the claimant continues to possess and is recognised for the essential attributes of tribal identity, including customary practices, social organisation, community life and acceptance by the concerned tribal community. Thus, conversion, considered in isolation, cannot be treated as an inflexible rule resulting

in extinction of Scheduled Tribe status; the issue has to be determined on the facts and evidence of each case.

28. The decision of the Supreme Court in *Rameshbhai Dabhai Naika (supra)*, relied upon by learned counsel for the petitioner, does not directly govern the controversy involved in the present case. That decision was principally concerned with determination of the Scheduled Tribe status of a child born from an inter-community marriage and the relevance of upbringing, social circumstances and acceptance by the tribal community in determining such status. It does, however, reinforce the principle that the question of tribal identity and community affiliation cannot be determined by applying an inflexible rule divorced from the factual circumstances of the case. The question before this Court, however, is different, namely, whether the petitioner, admittedly born in the Bhuiyan community, continued to retain the attributes and community affiliation necessary to constitute membership of the Scheduled Tribe on the dates of the transactions in question. That question has to be examined in the light of the principles laid down specifically with regard to conversion and continuing tribal identity in *Chandramohanan (supra)* and *Chinthada Anand (supra)*.

29. On this aspect, the material relied upon by the respondents assumes significance. Their case is not confined to the fact that the petitioner married Sirajuddin. The material discloses a course of circumstances extending over several decades. The petitioner, originally known as Nanhki, married Sirajuddin and thereafter came to be known as Naimunnisha. She lived with him for a prolonged period; children were born from the relationship and bear Muslim names; the family register records her religion as Muslim; and other documents and inquiry material have been relied upon to show the identity under which she subsequently lived. These circumstances cannot be treated as conclusive individually, but neither can they be ignored when the Court is required to determine the factual question of continuing tribal identity.

30. What is of particular importance is the absence of convincing evidence from the petitioner showing continuity of her connection with the Bhuiyan community. Upon consideration of the material placed before the competent authority and the material brought on record before this Court, the Court finds that the petitioner has not satisfactorily established continuity of her connection with the Bhuiyan community by producing credible material demonstrating that, notwithstanding those circumstances, she continued to follow the customs and traditions of the Bhuiyan Scheduled Tribe, continued to participate in its social and community life and continued to be recognised and accepted by that community. The material before the Court does not satisfactorily establish such continuity. The petitioner has principally denied conversion and asserted that she continued to belong to the Bhuiyan tribe, but the assertion is not supported by sufficient substantive material showing the actual continuance of tribal customs, social relations or community recognition.

31. The Court is conscious that a person cannot be required to prove tribal status by demonstrating observance of every custom of the community throughout her life, nor can a single document describing her religion as Muslim be treated as determinative. The conclusion reached herein is not based upon any such rigid test. It is based upon the cumulative effect of the circumstances brought on record and, equally importantly, upon the absence of evidence establishing continuity of tribal life in the face of the respondents' specific case. The relevant question is not merely what the petitioner's status was at birth, but whether she continued to possess the status required for the protection of Section 99 on the date of the transaction.

32. The Scheduled Tribe certificate does not compel a contrary conclusion. The certificate is undoubtedly a relevant piece of evidence and records the certification made by the competent authority at the relevant time. Its existence, however, does not preclude examination of the underlying question of continuing tribal status when subsequent

material bearing upon that status is brought on record. The respondents have specifically alleged that, while obtaining the certificate, the petitioner relied upon her parentage and tribal origin without disclosing the circumstances concerning her long-standing marriage with Sirajuddin, her subsequent name and her religious and social identity. The material placed before this Court does not disclose a satisfactory explanation for the alleged non-disclosure. The certificate, therefore, cannot be treated as conclusive against an examination of whether the petitioner continued to possess the statutory status on the respective dates on which the disputed lands were acquired.

33. The significance of the aforesaid circumstance is not that a married woman is invariably required to use her husband's name or that use of her father's name after marriage is, by itself, unlawful. No such proposition can be accepted. The relevance lies in the particular factual setting of the present case. The petitioner relies upon her parentage and tribal origin to claim a status protected by law, while the material relied upon by the respondents indicates that, for several decades, she lived under a different name and within a different religious and social setting. These circumstances are relevant to the factual enquiry whether she continued to retain her tribal identity and community affiliation. The Scheduled Tribe certificate, though relevant, cannot by itself foreclose that enquiry.

34. The same reasoning applies to the registered sale deeds. Registration of an instrument establishes its registration; it does not, by itself, validate a transaction which is prohibited by a mandatory provision of law. The recital in a sale deed that the purchaser belongs to the Scheduled Tribe is evidence of the representation contained in the document, but such recital cannot itself confer a statutory status upon a person who did not possess that status on the relevant date. Likewise, subsequent mutation or revenue entries cannot create an independent right contrary to a substantive statutory prohibition.

35. The transactions in question, as noticed hereinabove, were executed between 04.11.2011 and 26.11.2018, i.e. prior to the commencement of the substantive provisions of the Uttar Pradesh Revenue Code, 2006, i.e. 11.02.2016. Their validity must, therefore, be examined with reference to the statutory regime governing the respective dates of transfer. The repeal of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 did not affect the previous operation of that enactment or anything duly done or suffered thereunder. Consequently, the validity and legal consequences of the transfers in question fall to be considered with reference to Section 157-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and Sections 166 and 167 thereof. The corresponding provisions contained in Sections 99, 104 and 105 of the Uttar Pradesh Revenue Code, 2006 may be noticed as reflecting the continuing legislative policy, but the validity of transactions completed prior to commencement of the relevant provisions of the Code cannot be determined by retrospectively applying those provisions.

36. Section 157-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 imposed a statutory restriction upon transfer by a bhumidhar or asami belonging to a Scheduled Tribe in favour of a person who did not belong to a Scheduled Tribe. A transfer made in contravention of the said prohibition attracted the consequences prescribed by the Act. The material question, therefore, is whether the petitioner possessed the status of a member of the Scheduled Tribe on each of the respective dates of acquisition. If she did not possess such status, the fact that the transferors themselves belonged to the Scheduled Tribe would not, by itself, save the transactions from the statutory prohibition.

37. The judgment of the Supreme Court in *Akhlaq Hussain (supra)* reinforces the aforesaid conclusion. The Supreme Court, while considering the protective provisions governing transfer of land belonging to members of Scheduled Tribes, held that a transfer made in

breach of the statutory prohibition is void and that registration of the document, payment of stamp duty or the form in which the transaction was entered into cannot validate a transaction prohibited by law. The statutory consequences prescribed by the enactment follow from such prohibited transfer. The decision also emphasises the beneficial object of the protective legislation, namely, preservation of tribal land and the protection of the social and economic interests of members of Scheduled Tribes.

38. The principle laid down in *Akhlaq Hussain (supra*) does not, however, determine whether the petitioner continued to be a member of the Bhuiyan Scheduled Tribe. That question has to be determined upon the facts of the present case in the light of the principles laid down in *Chandramohanan (supra*) and *Chinthada Anand (supra)*. Once the petitioner is found not to have established the requisite Scheduled Tribe status on the respective dates of the transfers, the legal consequence under the statutory scheme applicable to those transactions follows. A registered instrument cannot override the statutory prohibition, and a transfer prohibited by law cannot acquire validity merely because it has been entered in the revenue records or acted upon for a period of time.

39. The plea of delay must also be considered in the aforesaid context. The disputed sale deeds were executed during the period from 04.11.2011 to 26.11.2018, whereas the proceedings were initiated in the year 2025. The respondents have stated that the material circumstances concerning the petitioner's marriage, subsequent name and religious and social identity came to light subsequently, whereafter inquiry was undertaken. Be that as it may, once a transfer is found to be void by reason of contravention of a protective statutory prohibition, mere lapse of time, mutation in the revenue records or continued possession cannot, by itself, confer validity upon such transfer. The principle recognised in *Akhlaq Hussain (supra)* does not permit a transaction prohibited by law to acquire validity merely by passage of time. The Court, therefore, finds

no ground to invalidate the proceedings solely on the ground that they were initiated after several years.

40. The allegation that the competent authority failed to consider the petitioner's material evidence or denied her natural justice also does not warrant interference. The petitioner was issued notice dated 12.12.2025 and submitted her reply dated 07.01.2026. Her case regarding the Scheduled Tribe certificate, the registered sale deeds and her claim of continuing tribal identity was thus before the authority. The fact that the authority did not accept her explanation or did not attach to the documents the evidentiary value claimed by her does not, by itself, amount to denial of opportunity. The grievance, in substance, is against the appreciation and evaluation of the material. Upon examination of the material referred to by the authority, this Court finds that the conclusion cannot be characterised as unsupported or perverse merely because it is adverse to the petitioner.

41. The family register and the documents relied upon by the respondents also require to be considered in their proper perspective. The Court does not treat the entry recording the petitioner as Muslim as independently determinative of her Scheduled Tribe status. It is one circumstance forming part of the larger evidentiary chain. When considered along with the marriage with Sirajuddin, the subsequent identity as Naimunnisha, the long association with him, the names of the children and, most importantly, the absence of satisfactory evidence showing continuing Bhuiyan customs, social practices and community acceptance, the material assumes evidentiary significance. The State's case is thus not founded upon an isolated documentary entry but upon a prolonged course of circumstances which, cumulatively considered, support the conclusion reached by the revenue authority.

42. Upon a cumulative consideration of the material, this Court is satisfied that the petitioner has failed to establish that she continued to possess the status of a member of the Bhuiyan Scheduled Tribe on the

respective dates of execution of the disputed sale deeds. This conclusion is not founded upon the mere fact of her marriage with Sirajuddin, nor upon the mere allegation of conversion, nor upon the isolated entry recording her religion as Muslim. It rests upon the prolonged circumstances brought on record by the respondents concerning her subsequent family, religious and social identity, coupled with the absence of convincing material establishing continued adherence to the customs and social practices of the Bhuiyan Scheduled Tribe, continuing participation in its community life and acceptance by the Bhuiyan community. The principle that change of religion does not *ipso facto* terminate Scheduled Tribe status is therefore accepted; however, on the facts established in the present case, the petitioner has failed to demonstrate the continuing tribal identity necessary to retain that status on the relevant dates.

43. Once the petitioner is found not to have established the requisite Scheduled Tribe status on the respective dates of the transfers, the statutory basis of her acquisition fails. The status of the transferors as members of the Scheduled Tribe cannot, by itself, validate the transfers because Section 157-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 also prohibited transfer in favour of a person who did not belong to the Scheduled Tribe. The disputed transfers were, consequently, hit by the statutory prohibition and were void in terms of Section 166, with the consequences prescribed under Section 167 of the said Act. Neither registration of the sale deeds, nor subsequent revenue entries, nor possession, nor lapse of time can override the statutory consequences flowing from a transfer prohibited by law.

44. The Court has considered the case set up by the petitioner as well as the objections and material relied upon by the respondents. No jurisdictional error, perversity or violation of natural justice has been established so as to warrant interference under Article 226 of the Constitution. Although the impugned orders dated 22.01.2026 refer to proceedings under Sections 104 and 105 of the Uttar Pradesh Revenue

Code, 2006, the transactions in question having been completed prior to commencement of the relevant provisions of the Code, the legality of the underlying transfers and their consequences have been examined in this judgment with reference to the statutory regime applicable on the respective dates of transfer, namely Section 157-B read with Sections 166 and 167 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. To the extent the impugned orders give effect to the same statutory prohibition and consequences, no interference is warranted.

45. For the reasons aforesaid, the writ petitions are dismissed.

46. The impugned orders dated 22.01.2026 passed by the competent revenue authority/Dy. Collector, Duddhi, District Sonbhadra, the respondent no.3, are affirmed. Any interim order operating in favour of the petitioner shall stand vacated. The competent authority shall be at liberty to give effect to the impugned orders in accordance with law.

47. There shall be no order as to costs.

(Arun Kumar, J.)

September 14, 2026
Ranjeet Sahu