

Court No. - 48

Case :- WRIT - B No. - 5873 of 1974

Petitioner :- Shiv Kumar Pandey

Respondent :- D.D.C. Andothers

Counsel for Petitioner :- V.B.L.Srivastava,C.D. Mishra,Hari Shanker Srivastava,Nikhil Srivastava

Counsel for Respondent :- V.D. Jha,R.P. Mishra,R.P.Mishra,R.S. Mishra,R.S. Mishra Ii,S.C.,V.D. Ojha,V.D.Ojha

Hon'ble Saurabh Shyam Shamshery,J.

1. This writ petition is pending since 1974, however, crux of matter is very limited that an order passed by the Consolidation Officer on basis of compromise was recalled on a restoration application filed by one of its signatory. The petitioner's appeal as well as revision petition was dismissed by impugned order dated 12.2.1974 and 6.8.1974. During pendency of this writ petition number of petitioner as well as contesting respondents have died and their respective legal heirs have already brought on record.
2. Heard Sri Rahul Pandey, Advocate holding brief of Sri Nikhil Srivastava, learned counsel for the petitioner and Sri R.P. Mishra, learned counsel for respondent and perused the record.
3. As referred above, crux of issue before this Court is very limited and since one of the signatories have disputed the compromise, therefore, Consolidation Officer was within its jurisdiction to allow the restoration application and proceed to hear the parties on merits as well as to verify the compromise afresh, therefore, I do not find any illegality or irregularity in the impugned order passed by Consolidation Officer as well as whereby appeal as well as revision petition was dismissed.
4. At the stage, learned counsel for petitioner submits that while considering the matter afresh on merits by the Consolidation Officer and agreement may also be verified.
5. Learned counsel for respondent has no objection.
6. In the aforesaid circumstances since there is no illegality or irregularity which warrant interference by this Court under writ jurisdiction therefore, while rejecting the prayers made in this this

writ petition is accordingly, **disposed of** with an observation that Consolidation Officer shall decide the matter afresh within a period of six months from today and all the parties will have liberty to raise all legally permissible arguments and the Consolidation Officer will also take note of the compromise and if required it could be verified in accordance with law.

Order Date :- 7.11.2023

Md Faisal