

Court No. - 48

Case :- WRIT - B No. - 109 of 2023

Petitioner :- Subhash Pandey

Respondent :- Deputy Director Of Consolidation And 6 Others

Counsel for Petitioner :- Ashok Kumar Shukla

Counsel for Respondent :- C.S.C., Satya Priya Mishra, Sudhir Bharti

Hon'ble Saurabh Shyam Shamsbery, J.

1. Heard Sri A.K. Shukla, learned counsel for petitioner. None appeared on behalf of contesting-respondents despite represented by their respective counsels. It is also pointed out that till date no counter affidavit has been filed.

2. This Court passed following order on 02.02.2023:

“At the outset learned counsel for the petitioner has prayed to correct the parental name of respondent nos. 5 and 6 as mentioned in the array of parties.

Learned Standing Counsel and learned counsel for private respondent no. 4 has no objection to the prayer as made by the counsel for the petitioner.

As such, learned counsel for the petitioner is permitted to correct parental name of respondent nos. 5 and 6 in the cause title of the writ petition, during course of the day.

Instant writ petition is arising out of proceeding under Section 9-B of U.P.C.H. Act. The Consolidation Officer by order dated 30.06.2004 has kept plot no. 664 out of consolidation operation. The order passed by the Consolidation Officer is affirmed by the Settlement Officer of Consolidation and the Deputy Director of Consolidation. It is submitted that the said order has been passed without following the provision as required under the law.

The matter requires consideration.

Respondent nos. 1 to 3 are represented through learned Standing

Counsel, learned counsel for private respondent no. 4 and learned counsel for the consolidation committee are also present.

Issue notice to respondent nos. 5 and 6 fixing 03.04.2023 as the date.

Petitioner to take steps within ten days.

In the meantime parties shall exchange their respective affidavit.”

3. I have perused the record available in this writ petition and since there is no serious objection to the averments made in writ petition, therefore, I am of the opinion that on the basis of record of writ petition, this writ petition can be allowed.

4. In the result, writ petition is allowed. Impugned order dated 30.09.2022 is hereby set aside and matter is remitted back to Revisional Authority to decide revision afresh after considering rival submission within a period of six months from today, if there is no legal impediment.

Order Date :- 13.10.2023

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