

Court No. - 48

Case :- WRIT - B No. - 9924 of 1989

Petitioner :- Smt.Rasoolan Bibi

Respondent :- D.D.C.And Others

Counsel for Petitioner :- R.S.Misra,Arun Kumar,R.P. Mishra

Counsel for Respondent :- S.C.,B.B.Paul,Ram Naresh
Singh,S.K.S.Yadav,Shive Datta Yadav

Hon'ble Saurabh Shyam Shamschery,J.

Civil Misc. Delay Condonation Application No.14 of 2023.

Heard.

Cause shown is sufficient.

Application is allowed.

Delay in filing the substitution application is condoned.

Civil Misc. Substitution Application No.15 of 2023.

Heard.

Substitution application is allowed.

Learned counsel for the petitioner is directed to amend the cause title of writ petition during course of the day.

Civil Misc. Delay Condonation Application No.16 of 2023.

Heard.

Cause shown is sufficient.

Application is allowed.

Delay in filing the substitution application is condoned.

Civil Misc. Substitution Application No.17 of 2023.

Heard.

Substitution application is allowed at the risk of petitioner.

Learned counsel for the petitioner is directed to amend the cause title of writ petition during course of the day.

Order on Writ Petition.

1. Heard Sri Arun Kumar, learned counsel for the petitioner and Sri Shive Datta Yadav, learned counsel for one of the contesting respondents.

2.This writ petition is pending since 1989 though controversy involved appears to be very small.

3.Arguments raised on behalf of the original petitioner is that the Revisional Authority while considering the revision petition filed by original contesting respondents without considering their version disturbed her chaks only on ground that contesting respondents belongs to same family, therefore, their chaks may be connected to each other.

4.Learned counsel for the petitioner submits that this approach was not in terms of the object of Uttar Pradesh Consolidation of Holdings Act, 1953. The Authority has to consider prejudice if caused to other side.

5.Learned counsel appearing on behalf of one of the contesting respondents has not been able to show from the short impugned order that even averment of petitioner was referred.

6.In the aforesaid circumstances, this Court is of the view that impugned order dated 21.4.1989 cannot survive and is hereby set-aside and matter is remitted to the Revisional Authority to decide the revision petition afresh within a period of three months from today, after hearing the parties and shall pass order in terms of the object of Act of 1953 and the factors given in Section 48 of the Act of 1953.

7.With the aforesaid direction, this writ petition is disposed of.

Order Date :- 27.10.2023

SB