

Court No. - 48

Case :- WRIT - B No. - 397 of 2023

Petitioner :- Gyan Chand Tiwari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ram Chandra Srivastava, Manoj Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamsheery, J.

This writ petition is filed, seeking following reliefs :-

"(I)- Issue a writ order or direction in the nature of Mandamus commanding the respondent/ Authority Concerned specially the respondent No. 2, stop the operation of consolidation proceedings of village-Belthar, till pending decision/ inquiry in pursuance to the order dated 21-05-2012 passed by this Hon'ble court in Writ-B No. 46072 of 2011 (Ram Nagina Tiwari and Others Versus State of U.P. and Others), in accordance with law, within some stipulated time frame as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.

(II)- Issue any other writ order or direction, which this Hon'ble court may deem fit and proper in the circumstances of the case.

(III)- Award the cost of this petition to the petitioner."

This Court has directed the respondent-State to seek instructions.

Sri A.C. Nishad, learned Standing Counsel for State submits that instructions received are based on record that consolidation proceedings are at the fag end and in case any order is passed against petitioner, he would have liberty to take recourse of remedy available in accordance with law.

In aforesaid circumstances, and that petitioner has not been able to

show whether he is aggrieved by any order passed by any consolidation Authority as well as it is well settled that Court cannot direct to legislate or not to legislate, therefore, I do not find any reason to allow the prayer made in this writ petition.

This writ petition is accordingly, **dismissed**, however, petitioner will have liberty to avail remedy available, in accordance with law, if he is aggrieved by order passed by Deputy Director of Consolidation.

Order Date :- 19.10.2023

P. Pandey