

Court No. - 48

Case :- WRIT - B No. - 680 of 1997

Petitioner :- Bhopal Singh

Respondent :- D.D.C. Muzaffarnagar And Others

Counsel for Petitioner :- R.K. Jain, Rahul Jain

Counsel for Respondent :- Sankatha Rai, Bajrangi Mishra, Ramesh Pundir, Rekha Pundir, S.C., Sunita Sharma, Vinod Kumar Rai

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri Muzammil I. Qurasi, learned counsel for petitioner and Sri Ramesh Pundir, Advocate for contesting-respondents.
2. In the present case, in a proceeding arising out of chak allotment the Consolidation Officer has passed an order dated 07.06.1994. Said order was challenged by way of filing two sets of appeals which were decided by two different orders of same date, i.e., 05.09.1994 passed by Settlement Officer of Consolidation.
3. At this stage, it appears that two different sets of revisions were filed. Deputy Director of Consolidation has proceeded to decide revisions. One of the revision was decided on 28.10.1995 whereby petitioner was allotted a particular chak and since he was satisfied, he has not challenged the same though a restoration application was filed whereby earlier order passed on 28.10.1995 was modified to certain extent vide order dated 17.01.1996. Admittedly petitioner was satisfied even by modified order dated 17.01.1996 as well as none of the parties are aggrieved by said orders dated 28.10.1995 and 17.01.1996.
4. On the other hand 19 revisions were decided by a common order dated 23.11.1996 wherein order dated 05.09.1994 passed by Settlement Officer of Consolidation as well as order dated

07.06.1994 passed by Consolidation Officer were challenged.

5. According to petitioner the fact about earlier orders dated 28.10.1995 and 17.01.1996 was brought into notice of Revisional Authority and was noted in impugned order also. However, without taking note of it as well as consequence thereof all the revisions were decided together whereby chak of petitioner was disturbed. Said order dated 23.11.1996 is impugned in present writ petition.

6. Learned counsel for petitioner submits that since petitioner was satisfied with allotment of chak as determined vide orders dated 28.10.1995 and 17.01.1996 passed by Deputy Director of Consolidation, therefore, it was beyond jurisdiction of Revisional Authority to interfere it while deciding other revision petitions, ignoring the outcome of said orders.

7. Learned counsel appearing for contesting-respondents is not able to dispute the above referred factual aspect.

8. In aforesaid circumstances, it is a case where an irregularity has been erupted. Therefore, impugned order dated 23.11.1996 is hereby set aside. Matter is remanded back to Deputy Director of Consolidation to decide revisions afresh. It is directed that while deciding revisions, the Revisional Court will take note of orders dated 28.10.1995 and 17.10.1996, which have attained finality. The aforesaid exercise shall be concluded within a period of six months from today, if there is no legal impediment.

9. With aforesaid observation/ direction, the writ petition is disposed of.

Order Date :- 2.11.2023

AK