

Court No. - 48

Case :- WRIT - B No. - 475 of 2023

Petitioner :- Baijnath

Respondent :- Deputy Director Of Consolidation And 25 Others

Counsel for Petitioner :- Shivajee Singh Sisodiya

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble Saurabh Shyam Shamshery, J.

1. This Court has passed following order on 17.2.2023:

" Grievance of the petitioner is that Settlement Officer of Consolidation has proposed the second chak over the Plots No.126 and 123 etc., which is totallu Udan Chak and petitioner has been displaced from his original holdings i.e. Plot No.629.

It is submitted that due to clerical mistake appeal has been preferred by the petitioner and demand has been raised to allot another chak in place of second chak which is proposed over plot No.629. To rectify his mistake revision has been preferred before the Deputy Director of Consolidation, however, same has been dismissed. It is submitted that initially second chak was given over original holdings i.e. Plot No.629, however, after the order passed by the Settlement Officer of Consolidation, he has been displaced from his original holdings in the second chak and proposed Udan chak over plots No.126 and 123 etc.

Matter requires consideration.

Respondents No. 1 to 3 are represented through learned standing counsel. Learned counsel for Gaon Sabha is also present.

Issue notice to the respondents No. 4 to 12 and 14 to 26 through R.P.A.D. as well as normal mode fixing 18.4.2023.

Steps shall be taken within 10 working days.

In the meantime, parties shall exchange their respective affidavits, if any.

Till the next date of listing, parties are directed to maintain status quo, as on today, with respect to the nature and possession over

the property in question."

2. Sri Shivajee Singh Sisodiya, learned counsel for the petitioner after arguing for sometime prayed that this writ petition may be disposed of with liberty to the petitioner to file a recall application before the Appellate Authority so that his grievance may be addressed and prayed that the order passed by the Deputy Director of Consolidation may be set-aside.

3. Sri A.K.Rai, learned Additional Chief Standing Counsel submits that in the peculiar facts and circumstances of the case as referred above, aforesaid liberty may be granted.

4. In the aforesaid circumstances, order passed by the Deputy Director of Consolidation dated 21.11.2022 is set-aside and the petitioner is granted liberty to file a recall application before the authority concerned and if the same is filed, same shall be considered in accordance with law.

5. With the aforesaid observation and direction, this writ petition is disposed of.

Order Date :- 28.10.2023

SB