

Court No. - 48

Case :- WRIT - B No. - 581 of 2023

Petitioner :- Dharam Veer Singh

Respondent :- Deputy Director Of Consolidation And 5 Others

Counsel for Petitioner :- Ajay Kumar Tiwari, Anjani Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery, J.

1. This Court passed following order on 14.03.2023:

“Heard Mr. Ajay Kumar Tiwari, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

Stamp reporter has reported laches of 95 days in filing the writ petition which has been explained by the petitioner in the writ petition.

Learned counsel for the petitioner submitted that the appeal filed by the petitioner has been allowed by the Settlement Officer of Consolidation vide order dated 3.8.2001 setting aside the order of Consolidation Officer dated 30.5.2021 after considering the evidence on record. He further submitted that the revision filed by the contesting respondent has been arbitrarily allowed and matter has been remanded back before the Consolidation Officer which is futile exercise of revisional power. He next submitted that the grounds taken for remanding the case have already been discussed by the appellate Court while allowing the petitioner's appeal, as such, there is no occasion to remand the matter again before the Consolidation Officer. Matter requires consideration as to whether the matter can be remanded to the Consolidation Officer when already an appeal has been allowed after considering the evidence on record.

Issue notice to respondent no.5 returnable at an early date.

Steps be taken within one week.

Respondent no.5 shall file counter affidavit within six weeks.

Petitioner will file rejoinder affidavit within one week thereafter.

List this case on 1.8.2023.

Until further orders of this Court, the effect and operation of the impugned order dated 8.8.2022 passed by respondent no.1 shall remain stayed.”

2. According to office report service is deemed sufficient upon contesting-respondents. None appeared on behalf of respondents.
3. I have carefully perused the impugned order and considering wide power of Revisional Authority, above referred submission has substance.
4. In aforesaid circumstances, considering the submissions noted above, this writ petition is allowed. Impugned order dated 08.08.2022 is hereby set aside. Matter is remitted back to Deputy Director of Consolidation, Amroha to decide afresh on merit instead of remitting case to Consolidation Officer. This exercise shall be concluded within a period of six months from today, if there is no legal impediment.

Order Date :- 24.11.2023

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