

Court No. - 48

Case :- WRIT - B No. - 603 of 2023

Petitioner :- Yashpal Singh And 30 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Manish Dev Singh, Abhishek Kumar Shukla, Biraj Bhushan Sharma

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble Saurabh Shyam Shamschery, J.

1. In the present case, petitioners have approached this Court earlier by way of filing Writ B No. 909 of 2021 which was disposed of by an order dated 23.07.2021 and relevant paragraphs thereof are quoted below -:

"Grievance of the petitioner is that disposal of the application moved by the petitioner dated 28.02.2020 is protacted without any cogent reason, after order dated 05.11.2020 passed by ARO. Till date no fruitful steps have been taken by the authorities concerned and petitioner is running from pillar to post since 29.11.1995 to get his name recorded in the revenue records on the basis of allotment order dated 11.01.1990 and order dated 29.11.1995 passed by the Consolidation Officer in proceedings under Section 12 U.P.C.H. Act.

In this conspectus as above, no useful purpose would be served to keep this matter pending, therefore, this court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case as mentioned in the present writ petition, with a direction to Assistant Record Officer, Gautam Budh Nagar (respondent No.3), before whom application dated 28.02.2020 is pending disposal, to decide the same expeditiously, preferably, within the period of two months from the date in receipt of copy of this order.

It is expected that it should be decided by reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments.

The petitioner shall file computer generated copy of such order downloaded from the official website of High Court, Allahabad supported by an affidavit, which shall be

verified by the concerned authority from the website of the High Court, Allahabad.

With the aforesaid observation, present writ petition is disposed of."

2. In pursuance of above order, Assistant Record Officer, Gautam Buddh Nagar passed an order whereby application of petitioners was rejected with observations.

3. S/Sri Manish Dev Singh and Abhishek Kumar Shukla, learned counsel for petitioners submit that concerned Authority has acted beyond its jurisdiction and entered into merit of the case, though not required.

4. On a specific query of this Court whether petitioners have alternative remedy as provided under Rule 109-A of U.P. Consolidation of Holdings Rules, 1954 instead of filing representation, learned counsel fairly submit that there is an alternative remedy and learned counsel further pray that this writ petition may be disposed of with liberty to petitioners to approach the Authority concerned under Rule 109-A of Rules, 1954 and further pray that observations made in impugned order 24.06.2022 may not come in the way.

5. Sri A.C. Nishad, learned Standing Counsel for State has no objection if prayer is allowed.

6. In aforesaid circumstances, this writ petition is disposed of with an observation that Authority concerned will decide the application, if so filed by petitioners, under Rule 109-A of Rules, 1954 in accordance with law without being influenced by observations made in order dated 24.06.2022 passed by Assistant Record Officer, Gautam Buddh Nagar.

7. Aforesaid proceedings shall be concluded expeditiously, preferably within a period of three months after filing application.

8. With above observations, this writ petition is **disposed of**.

Order Date :- 1.12.2023

Nirmal Sinha