

Court No. - 48

Case :- WRIT - B No. - 710 of 2023

Petitioner :- Javed Alam And 4 Others

Respondent :- The Deputy Director Of Consolidation And 9 Others

Counsel for Petitioner :- Dinesh Kumar Pandey

Counsel for Respondent :- C.S.C.,Anupam Kulshreshtha

WITH

Case :- WRIT - B No. - 26096 of 2009

Petitioner :- Masood Alam

Respondent :- Deputy Director Of Consolidation And Others

Counsel for Petitioner :- K.K. Mishra

Counsel for Respondent :- C.S.C.,Anupam Kulshreshtha,Jayanti Vikram Singh,S.C. Tripathi

Hon'ble Saurabh Shyam Shamshery,J.

1. In above preferred both writ petitions, impugned orders are same therefore, they are being decided by following common order.
2. The dispute is arising out of implementation of an order dated 24.03.1975 passed in consolidation proceeding.
3. The Consolidation Officer, on basis of above referred order, prepared a reference dated 10.11.1982 and sent to Deputy Director of Consolidation. The said reference was allowed by an order dated 10.11.1982. According to record, some restoration applications were filed and at a belated stage a fresh proceedings were initiated that Khata No. 91 and 216 are also required to be recorded. The Deputy Director of Consolidation by an order dated 13.09.1984 set aside the earlier order passed on reference and directed to send a fresh reference.

4. Accordingly, a fresh reference was sent which was approved by an order dated 18.10.1984 by Deputy Director of Consolidation. Later on case was reopened on basis of certain application and on basis of reports that above referred khata numbers were not part of 'Bainama' which was the basis of order passed in the year 1975, the rival submissions were considered.

5. The Deputy Director of Consolidation set aside the order passed on subsequent reference and restored the order passed on first reference. Learned counsel for the petitioner refers orders and sale-deed, being subsequent purchaser, however was not able to contradict the above finding that Khata no. 91 and 216 were not part of the sale-deed. Therefore, he is not able to point out any error in the impugned order which was based on factual aspect of the case that since above referred two khata were not part of sale-deed, they could not be entered in the name of petitioner.

6. In order to verify details of khata numbers, I have carefully perused copy of sale-deed, annexed along with this writ petition and finds that above conclusion is correct.

7. The Deputy Director of Consolidation by the impugned order has corrected error of fact and that sale-deed reference was not based on details of khata mentioned in sale-deed as well as counsel for the petitioner has not been able to point out any perversity in the impugned order, therefore, I do not find any ground to interfere with the impugned order.

8. Accordingly, both the writ petitions are dismissed.

Order Date :- 24.11.2023

A. Tripathi