

Court No. - 48

Case :- WRIT - B No. - 696 of 2023

Petitioner :- Udai Raj Singh

Respondent :- Deputy Director, Consolidation, Varanasi And 8 Others

Counsel for Petitioner :- Vinod Kumar Rai, Ashok Kumar Singh

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi, Deo Prakash Singh

Hon'ble Saurabh Shyam Shamshery, J.

Civil Misc. Impleadment Application No.3 of 2023.

Impleadment Application is considered to be an application for intervention and parties concerned are heard through their Advocates at length, therefore, Impleadment Application is consigned to records.

Order on Memo of Writ Petition.

1. Heard Sri Ashok Kumar Singh, learned counsel for petitioner and Sri Deo Prakash Singh, learned counsel for respondents.
2. Both parties are not aggrieved by order dated 4.9.1984 which was confirmed by this Court when a writ petition filed by one of contesting respondents was rejected vide order dated 1.9.2017. Prayer of petitioner is to implement the said order in revenue records. Deputy Director of Consolidation rejected the aforesaid prayer on the ground that since notification under Section 52 of Uttar Pradesh Consolidation of Holdings Act, 1953 has already been notified, therefore, Authorities under Act of 1953 were seized with the power.
3. At this stage, learned counsel for respondents submits that there is an alternative remedy available with petitioner to file an application under Rule 109 of Uttar Pradesh Consolidation of Holdings Rules, 1954.
4. Learned counsel for petitioner undertakes that he will avail the aforesaid remedy and prayed that the same may be decided expeditiously without being influenced by the impugned order dated 19.10.2022.

5. Learned counsel for respondents has no objection against aforesaid prayer.

6. In view of the above, without interfering with impugned order, this writ petition is **disposed of** with the observation that in case any application is filed by the petitioner under aforesaid provision within a period of three weeks from today before the authority concerned, same shall be decided in accordance with law after hearing all the parties within a period of 8 weeks thereafter if there is no legal impediment and the concerned authority will decide the application of the petitioner on basis of merits without being influenced by any of observations made in the impugned order.

Order Date :- 16.10.2023

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