

Court No. - 48

Case :- WRIT - B No. - 787 of 2023

Petitioner :- Sitaram

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

Counsel for Petitioner :- Sachida Nand Tripathi

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

Hon'ble Saurabh Shyam Shamshery, J.

1. This Court has passed following order on 29.03.2023, which is reproduced herein below:

"Heard Sri Sachida Nand Tripathi, learned counsel for the petitioner, Sri Bhupendra Kumar Tripathi, learned counsel for the respondent - gaon sabha and the learned standing counsel for state-respondent.

Counsel for the petitioner submitted that the chak revision has been remanded to the appellate court on misconceived grounds. It is further submitted that even if there is any illegality in the order of the appellate court, the revisional court can himself decide the matter on merits in place of remanding the matter to the appellate court.

Matter requires consideration.

Issue notice to respondent no.3, returnable at an early date.

Steps within a week.

Respondent no.3 shall file counter affidavit within 6 weeks. Petitioner will file rejoinder affidavit within two weeks thereafter.

List on 20.7.2023, before the appropriate Bench.

Until further orders of this Court, the effect and operation of the order dated 20.1.2023, passed by the Deputy Director of Consolidation, shall remain stayed."

2. The office report dated 01.11.2023 is reproduced herein below:

"Notices issued to O.P. No.3 by R.P.A.D. fixing 20.07.2023, but neither AD nor undelivered cover has been received yet as per office status register."

3. In aforesaid facts and circumstances of the case, since no one has entered appearance on behalf of the contesting respondents,

therefore, this Court is of the view that the statement referred above could be considered and therefore, the impugned order is set and the matter is remitted back to the Deputy Director of Consolidation to decide the matter on merits instead of remanding the same to Settlement Officer of Consolidation.

4. The writ petition is allowed in part.

Order Date :- 2.11.2023

A. Tripathi