

Court No. - 48

Case :- WRIT - B No. - 957 of 2023

Petitioner :- Ram Harakh And 2 Others

Respondent :- State Of U.P. And 19 Others

Counsel for Petitioner :- Om Prakash Pandey

Counsel for Respondent :- C.S.C., Abhai Kumar Singh, Awadhesh Kumar Singh

Hon'ble Saurabh Shyam Shamsbery, J.

The petitioners are aggrieved that well reasoned orders passed after hearing parties by Settlement Officer Consolidation were set aside on three restoration applications, by impugned order dated 15.01.2021, returning an incorrect finding that applicants were not heard.

The petitioners are further aggrieved that their revision petition was rejected in a very cursory manner and even restoration application thereof was also dismissed without considering the grievance of petitioners and erroneously rejected only on ground that impugned order therein was an interlocutory order.

Sri Om Prakash Pandey, learned counsel for petitioners submits that Settlement Officer Consolidation has recalled all three orders passed in appeals at different stages whereas the restoration applications were limited only on two orders i.e. orders dated 24.06.2016 and 08.07.2016 and no restoration application was filed against order dated 04.03.2016.

Argument of learned counsel for petitioners has a merit that order dated 15.01.2021 was not an interlocutory order as well as that Settlement Officer Consolidation has erroneously recalled the order dated 04.03.2016 also though it was not part of prayer in three restoration applications, however, I have carefully perused the orders passed by Settlement Officer Consolidation and it appears that without giving any finding in regard to service on respondents therein, the Authority has only mentioned that opposite parties were heard, even respective averments raised by parties, if any, were not made part of order.

In the aforesaid circumstances, I do not find any error in the impugned order dated 15.01.2021 and, therefore, in the interest of

justice, when there were three orders passed by Settlement Officer Consolidation in the appeal and two orders questioned in restoration application were recalled, it was in the interest of justice that order dated 04.03.2016 may also be recalled, so that all the parties may be heard together and by a consolidated order Settlement Officer Consolidation will decide the appeals afresh, therefore, no illegality was committed by the said Authority.

In view of above observation, there is no need to consider whether Deputy Director of Consolidation committed an error or not.

In the aforesaid circumstances, this writ petition is **disposed of** with the direction to Settlement Officer Consolidation to hear all the parties and passed a common order in accordance with law within a period of three months.

Order Date :- 12.10.2023

P. Pandey