

Court No. - 48

Case :- WRIT - B No. - 1102 of 2023

Petitioner :- Uma Shankar And 2 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Gyanu Shukla

Counsel for Respondent :- C.S.C., Punam Kumari, Satish Chandra Singh

Hon'ble Saurabh Shyam Shamsbery, J.

1. Heard Sri Gyanu Shukla, learned counsel for petitioners.

2. Learned counsel for petitioners has reiterated his submissions recorded in the order dated 11.04.2023, which are as follows -:

"Counsel for the petitioners submitted that chak has been allotted to both parties in accordance with provisions of U.P.C.H. Act by the appellate court. He further submitted that by the order of the appellate court, both the parties were given share in the chak road and kharanja road in part, but by the order of the revisional court without considering the case of the petitioners, the shape of the chak has been altered by which benefit has been given to the contesting parties. He further placed reliance upon the map which is annexed as annexure No.8 to the writ petition and submitted that petitioner is in possession over the land in dispute and Deputy Director of Consolidation without considering the case of the petitioner has disturbed the shape of chak."

(emphasis supplied)

3. No one has entered appearance on behalf of respondents despite being represented. Even no counter affidavit has been filed though opportunity was granted.

4. Heard learned counsel for petitioners and perused the record.

5. I find merit in above referred argument of learned counsel for petitioners and since an irregularity has been committed, therefore, impugned order is liable to be set aside, hence, set aside and matter is remitted back to Deputy Director of Consolidation to decide the same afresh after hearing rival parties within a period of six months from today.

6. Writ petition stands **disposed of**.

Order Date :- 26.10.2023

Nirmal Sinha