

Court No. - 48

Case :- WRIT - B No. - 936 of 2023

Petitioner :- Iqbal

Respondent :- Deputy Director Of Consolidation And 3 Others

Counsel for Petitioner :- Niraj Kumar Tripathi

Counsel for Respondent :- C.S.C.,Amit Kumar
Srivastava,Satendra Kumar Singh,Suresh Chandra Varma

Hon'ble Saurabh Shyam Shamsbery,J.

1. The impugned order is passed by Revisional Authority under consolidation proceedings on the basis of a sale deed executed in favour of respondents and accordingly, chak was allotted in accordance with boundaries and possession thereof.
2. Sri Niraj Kumar Tripathi, learned counsel for petitioner submits that claim on basis of sale deed was for the first time considered at the stage of Revisional Authority. It was not case of respondents before other Authorities as well as that vendor was not empowered to execute the sale deed.
3. The Court has raised specific query whether all these arguments have been taken before this Court or even in the restoration application, but learned counsel for petitioner has answered in negative.
4. Learned counsel for respondents submits that since sale deed is still in existence and no proceedings have been taken to challenge it as well as that there is no dispute that chak was allotted on basis of boundaries mentioned in sale deed and possession thereof, therefore, there is no illegality in impugned order.
5. In aforesaid circumstances and taking note that Revisional Authority has allotted chak in terms of boundaries mentioned in the sale deed and possession

thereof and since sale deed has still not been challenged on whatever ground, therefore, I do not find any illegality in the impugned order. However, this order will not come in the way if the petitioner is advised to challenge sale deed in accordance with law.

6. Accordingly, writ petition being sans merit is **dismissed**.

Order Date :- 1.12.2023

Nirmal Sinha