

**Court No. - 48**

**Case :-** WRIT - B No. - 1109 of 2023

**Petitioner :-** Sughar Singh

**Respondent :-** State Of U.P. And 8 Others

**Counsel for Petitioner :-** Krishna Murari Tripathi, Arvind Kumar Srivastava

**Counsel for Respondent :-** C.S.C., Sunil Kumar

**Hon'ble Saurabh Shyam Shamshery, J.**

1. Heard Sri Krishna Murari Tripathi and Sri Arvind Kumar Srivastava, learned counsel for petitioner, however, Sri Sunil Kumar, learned counsel for respondent nos.5 to 9 is not present.

2. It has been pointed out by learned counsel for petitioner that despite opportunity, no counter affidavit has been filed.

3. This Court has passed following order on 24.4.2023:

*" Heard Krishna Murari Tripathi, Counsel for the petitioner, learned Standing Counsel for the State-respondents and Mr. Sunil Kumar for respondent Nos.5 to 9.*

*Counsel for the petitioner submitted that chak objection has been decided in arbitrary manner. He further submitted that against the order of dismissal of objection, an appeal filed by the petitioner has been allowed vide order dated 05.05.2022. He next submitted that against the appellate order dated 05.05.2022, revision filed by the respondents, has been ex-parte allowed. He further submitted that by revisional order, plot Nos. 11, 12, 13 has been taken away from the petitioner's chak, which have been allotted in accordance with law to the petitioner.*

*On the other hand, counsel for the contesting respondents submitted that allotment has been made considering the original holding as well as share of the respective parties in their original plot, as such no interference is required.*

*Matter requires consideration.*

*Respondent Nos.5 to 9 shall file counter affidavit within six weeks.*

*Petitioners will file rejoinder affidavit within two weeks*

*thereafter.*

*List on 24th July, 2023."*

4. Learned counsel for petitioner has reiterated the above submissions.

5 In the aforesaid circumstances since there is no serious objection to the above submission, I have carefully perused the impugned orders and it is evident that the petitioner was not heard.

6. Accordingly, impugned order dated 14.11.2022 is set-aside and the matter is remitted back to Deputy Director of Consolidation to decide it afresh, after hearing the petitioner as well as other concerned parties. The aforesaid exercise may be concluded expeditiously

7. With the aforesaid direction/observation, this writ petition is disposed of.

**Order Date :- 3.11.2023**

**SB**