

Court No. - 48

Case :- WRIT - B No. - 1121 of 2023

Petitioner :- Smt. Malti Singh

Respondent :- Deputy Director Of Consolidation And 4 Others

Counsel for Petitioner :- Anoop Singh, Ashok Kumar Singh

Counsel for Respondent :- C.S.C., Vimal Srivastava

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri Ashok Kumar Singh, learned counsel for petitioner and Sri Vinay Pratap Singh, Advocate for contesting-respondents.
2. In the present case the order passed by Settlement Officer of Consolidation dated 09.09.2022 and Deputy Director of Consolidation dated 14.02.2023 are under challenge.
3. Learned counsel for petitioner on the basis of chak map submits that petitioner has been put in great hardship.
4. Learned counsel appearing for contesting-respondents have vehemently urged and referred certain paragraphs of the detailed counter affidavit filed before this Court that grievance of petitioner has been considered and respondents were allotted chak in accordance with various Bainamas and possession.
5. Heard learned counsel for parties and perused the above referred orders as well as other material placed before this Court.
6. There is no doubt that the order passed by Settlement Officer of Consolidation is a reasoned order. However, the order passed by Deputy Director of Consolidation is bereft of reasoning as required under Section 48(2) of U.P. Consolidation of Holdings Act, 1953.
7. I have also carefully perused the memo of revision wherein various contentions were raised. It is well settled that

Revisional Authority under Act, 1953 has wide power, however, the order passed by Revisional Authority appears to be passed in a very cursory manner. There are rival contentions on behalf of parties which are required to be considered but, as referred above, Revisional Authority has not exercised its power in proper perspective.

8. In aforesaid circumstances, the order dated 14.02.2023 passed by Revisional Authority is set aside and matter is remanded back to Revisional Authority to decide afresh. Parties are at liberty to place copies of writ petition as well as counter affidavit filed herein before Revisional Authority which will assist the Revisional Authority to pass a reasoned order, who will also peruse sale deeds and boundaries mentioned therein.

9. It is made clear that this Court has not expressed any opinion on merit of the case. This exercise shall be completed by Revisional Authority expeditiously, preferably within a period of six months from today, if there is no legal impediment.

10. With aforesaid observations/ directions, this writ petition is disposed of.

Order Date :- 1.12.2023

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