

**Court No. - 52**

**Case :-** WRIT - C No. - 17389 of 2021

**Petitioner :-** Rajendra Singh And Another

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Om Prakash Ojha, Rabindra Nath Ojha

**Counsel for Respondent :-** C.S.C., Murli Dhar Dubey, Shiva Nand Pandey

**Hon'ble Saurabh Srivastava, J.**

1. Rejoinder affidavit filed today is taken on record.

2. Heard Sri O.P. Ojha, learned counsel for the petitioners, Sri Tarun Gaud, learned Standing Counsel appearing for the respondent nos. 1, 2 and 3 and Sri Murli Dhar Dubey, learned counsel for the respondent nos. 4, 5 and 6.

3. The order dated 18.12.2020 has been put under challenged through the instant petition passed by respondent no.2 under Section 210 U.P. Revenue Code, 2006, the said revision preferred at behest of respondent nos. 4 to 6 being aggrieved with the order dated 03.12.2020 passed by respondent no.3 on miscellaneous application preferred by petitioners.

4. At the very outset, learned counsel for the respondents raised preliminary objection regarding maintainability of the writ petition, since the same has been instituted for challenging the interlocutory order passed under Section 210 of U.P. Revenue Code, 2006. At the same time, learned counsel for the petitioners submitted that there is hardly any decision taken up by respondent no.3 while entertaining the application preferred by the petitioners, rather it has been opined by respondent no.3 that for any relief, parties are at liberty to approach appropriate Consolidation Authority since the village is under operation of consolidation vide notification dated 12.10.2018 and the orders dated 03.12.2020 and 18.12.2020 were passed by respondent nos. 3 and 2 respectively were during consolidation proceedings, although order dated 18.12.2020 has been challenged through the instant petition.

5. On the precise query as made before learned counsel for the parties that during operation of consolidation whether respondent nos. 2 and 3 were having any jurisdiction or competency to

entertain any application preferred by petitioners, it has been fairly submitted that no order can be passed after initiation of consolidation proceedings by the Revenue Authorities, although the respondent no.3 entertained the application preferred by the petitioners but no decisive order has been passed, rather it has been mentioned while passing the order dated 03.12.2020 that after notification once the village comes under the operation of consolidation, the parties will be at liberty to approach the competent Consolidation Authority.

6. After having rival submissions extended by learned counsel for the petitioner as well as learned counsel for the respondent nos. 4, 5 and 6, it is crystal clear that immediately after notification under Section 4 of Uttar Pradesh Consolidation Holding Act, 1953, power of the Revenue Authorities has been seized under the statutory provisions and the appropriate Authority for deciding or dealing with issues related to the plots pertaining to the same village, comes under the ambit of Consolidation Authority.

7. In view of the aforesaid facts and circumstances the order dated 03.12.2020 passed by respondent no.3 over the application preferred by the petitioners and order dated 18.12.2020 passed by respondent no.2 over the revision preferred by respondent nos. 4 to 6 against the order dated 03.12.2020 were not sustainable in the eye of law and as such the same are hereby set aside and entire proceedings initiated at the behest of respondent nos. 4 to 6 in shape of Revision No.- 01622 of 2020, Computerized Case No.- C202003000001622 is hereby declared as abated in pursuance to order dated 16.04.2019 passed by learned Board of Revenue.

8. The writ petition stands ***disposed of***, accordingly. However it is made clear that the parties are at liberty to approach Consolidation Authority for redressal of their grievance, if any.

**Order Date :- 30.11.2023**

Virendra