

Court No. - 48

Case :- WRIT - B No. - 1288 of 2023

Petitioner :- Rameshpal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shailendra Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery,J.

Sri Shailendra Kumar Singh, learned counsel for petitioner fairly submits that this writ petition can be disposed of in terms of judgment passed by this Court in the case of Writ B No.2652 of 2022 vide order dated 26.09.2023.

Learned Standing Counsel for State has no objection if such prayer is allowed.

Considering the above submission, impugned order is set aside and this writ petition is **disposed of** in terms of following order dated 26.09.2023 passed in Writ B No.2652 of 2022 **(Ram Prakash and 4 others Vs. State of U.P. and others, 2023:AHC: 186828)** and other connected writ petitions :-

"1. Heard Sri Shailendra Kumar Singh, Sri Mahesh Sharma and Sri Raja Ullah Khan, Advocates for petitioners in the writ petitions, Sri Sharad Chand Singh, learned Additional Chief Standing Counsel for State-Respondents and Sri Sher Bahadur Singh, Advocate for Gaon Sabha.

2. This bunch of writ petitions are pertaining to three villages, namely, Chachuapur, Dhiraula and Juhi Jadeed of District Shahjahanpur and relevant documents are also difference in bunch of cases.

3. Petitioners' case is mainly rests on the ground that they were recorded as tenure holders in basic year Khatauni whereas the case of State is that there was no basis for such entry since there are documents available with State that in previous years, names of petitioners were not on record.

4. Learned Standing Counsel appearing for State has produced original record of above villages in support of their contention which are very old.

5. It has not been denied that such documents have not been controverted by petitioners, i.e., petitioners were not granted opportunity to submit their averments on said documents. Revisional Authority has mixed the cases of three villages and relying upon a report, mainly of one village, has decided the cases which appears to be not a correct approach. Petitioners have right

to confront the case of respondents, i.e., State.

6. In these circumstances, it would be appropriate in the interest of justice that impugned order be set aside and matter be remanded back to Revisional Authority for fresh consideration.

7. In view of above, orders impugned in these writ petitions passed by Deputy Director of Consolidation, i.e., Revisional Authority, are hereby set aside and matter is remanded back to Revisional Authority to decide afresh after giving opportunity to petitioners to place their case controverting the documents produced by State. In case it is not possible to provide photocopy of documents of State, the Advocates of petitioners be allowed to inspect the record in presence of counsel for both parties so that Revisional Authority may pass a reasoned order by separately considering the three villages.

8. It is made clear that the Court has not entered into merit of case at this stage. The aforesaid exercise shall be concluded by Revisional Authority within a period of six months from today, if there is no legal impediment.

9. With aforesaid observations/ directions, all the writ petitions are disposed of. "

Order Date :- 16.12.2023

P. Pandey