

Court No. - 48

Case :- WRIT - B No. - 1401 of 2023

Petitioner :- Sakir @ Sabir And 7 Others

Respondent :- Chief Revenue Officer And Deputy Director Of Consolidation And 6 Others

Counsel for Petitioner :- Rahul Kumar Pandey, Mir Sayed, Mithilesh Kumar Gupta

Counsel for Respondent :- C.S.C., Pramod Kumar Pandey

Hon'ble Saurabh Shyam Shamshery, J.

Order on Substitution Application No. 3/2023

1. Heard.
2. Allowed.
3. Let substitution be carried out during course of day.

Order on Substitution Application No. 4/2023

1. As legal heirs of respondent no.3 have already been substituted by order of date passed in Substitution Application No. 3/2023, therefore, this substitution application has been rendered infructuous.

2. Accordingly, application is **dismissed** as infructuous.

Order on memo of petition

1. Sri Mithilesh Kumar Gupta, learned counsel for petitioner seeks withdrawal of writ petition qua to petitioner nos. 1 to 5.

2. Accordingly, writ petition is dismissed as withdrawn qua to petitioners no. 1 to 5.

3. This writ petition is now pending only in respect of petitioners no. 6 to 8.

4. Heard Sri Mir Sayed, learned counsel for petitioners no. 6 to 8.

5. Learned counsel submits that entire issue has been decided by two Authorities, therefore, impugned order whereby matter has now been remitted is erroneous.

6. He also submits that there are certain observations of Revisional Authority which would prejudice the case

of petitioners.

7. Sri Pramod Kumar Pandey, learned counsel for respondents submits that impugned order is justified and in case it would prejudice the case of petitioners, this Court may clarify it.

8. In view of above submissions as well as taking note that Revisional Court, after considering case on merit, has found that there were certain issues which are required to be considered by Consolidation Officer, therefore, he has remitted back the matter to Consolidation Officer to pass a fresh order.

9. I have perused the operative portion of impugned order and found that there are certain issues which were not considered and decided in first round earlier.

10. Therefore, there is no illegality in impugned order.

11. So far as anxiety of petitioners no. 6 to 8 are concerned that any observation made by Revisional Authority may influence the Consolidation Officer which could be removed with an observation that Consolidation Officer will decide the matter afresh without being influenced by any observation of Revisional Authority on merit.

12. Prayer made in this writ petition is hereby rejected, however, this writ petition is **disposed of** with a direction that Consolidation Officer will decide the matter afresh, after considering all grounds and without being influenced by observation of Revisional Authority, expeditiously preferably within a period of six months from today.

Order Date :- 12.12.2023

Nirmal Sinha