

Court No. - 48

Case :- WRIT - B No. - 2095 of 2023

Petitioner :- Tirthraj

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

Counsel for Petitioner :- Dhirendra Singh

Counsel for Respondent :- C.S.C.,Rameshwar Prasad Shukla

with

Case :- WRIT - B No. - 3517 of 2022

Petitioner :- Swami Nath

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

Counsel for Petitioner :- Dhirendra Singh

Counsel for Respondent :- C.S.C.,Arun Kumar
Srivastava,Rameshwar Prasad Shukla

Hon'ble Saurabh Shyam Shamshery,J.

1. Both writ petitions are filed against a common impugned order. According to office report of both writ petitions, despite sufficient service of notice upon respondents, no one has entered appearance on their behalf.

2. Order passed by this Court on 25.05.2023 is reproduced below -:

"1. Heard Mr. Dhirendra Singh, Counsel for the petitioner, learned Standing Counsel for the State-respondents and Mr. Rameshwar Prasad Shukla for respondent no.3, Land Management Committee.

2. Counsel for the petitioner submitted that chak revision has been allowed in the arbitrary manner by the Deputy Director of Consolidation vide order dated 9.11.2022. He further submitted that case/ comparative hardship of the petitioner has not been considered by the Revisional Court while allowing the revision vide order dated 9.11.2022. He further submitted that same impugned order has been challenged before this Court through Writ B. No. 3517 of 2022 which has been entertained and operation of the impugned order dated 9.11.2022 has been stayed.

3. Matter requires consideration as to whether the chak of the petitioner can be disturbed by the Revisional Court without considering the comparative hardship of the petitioner as well as without considering the finding recorded by the Consolidation Officer and Settlement Consolidation Officer.

4. Let the notice be issued to respondent nos. 4 to 9 returnable at an early date.

5. Steps be taken within 10 days.

6. Respondent nos. 4 to 9 shall file counter-affidavit within six weeks. Petitioners shall file rejoinder-affidavit within two weeks thereafter.

7. List this matter on 19.10.2023.

8. Until further orders of this Court, the effect and operation of the impugned order dated 9.11.2022 passed by Deputy Director of Consolidation shall remain stayed."

3. In these circumstances and taking note of above referred order of the Court, impugned order dated 09.11.2022 passed by Deputy Director of Consolidation is set aside in both writ petitions and matters are remitted back to Deputy Director of Consolidation, Mau to decide the same afresh, after hearing rival parties expeditiously.

4. Both writ petitions are partly **allowed**.

Order Date :- 21.11.2023

Nirmal Sinha