

Court No. - 48

Case :- WRIT - B No. - 2046 of 2023

Petitioner :- Shiv Lankesh And Another

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Bhola Nath Yadav, Abhishek Kumar Yadav, Moni Gupta

Counsel for Respondent :- C.S.C., Hari Narayan Singh, Lalji Yadav, Yashpal Yadav

Hon'ble Saurabh Shyam Shamsbery, J.

This Court has passed the following order on 06.10.2023:-

"1. This Court has passed following order on 25.08.2023:-

Sri Abhishek Kumar Yadav, learned counsel for the petitioners and Sri Hari Narayan Singh, learned counsel for the respondent are not present.

According to the office report dated 24.08.2023, the opposite party no.6 is represented through his advocate. However, so far opposite party Nos. 7 to 10 are concerned, notice was issued to them, but neither A.D. nor undelivered cover are received back, therefore, the service upon them can be considered deemed to be completed.

List after six weeks for final argument.

Pleadings, if any, shall be exchanged.

2. Since today also, learned counsel for parties are not present, therefore, by way of indulgence, let this writ petition be come up after three weeks for final hearing.

3. It is made clear that no adjournment will be granted on next date of hearing."

Today, Sri Bhola Nath Yadav, learned counsel for petitioner is present, however, none present on behalf of contesting respondents.

Learned counsel for petitioner submits that chaks were rightly allotted at the stage of Consolidation Officer and Settlement Officer Consolidation after considering the water pump of both parties, however, it was erroneously disturbed at the stage of Deputy Director of Consolidation.

Learned counsel has referred the relevant part of orders.

I have carefully perused the impugned order and I find merit

that aforesaid circumstances were not considered while disturbing the concurrent findings of lower authorities by Deputy Director of Consolidation and as such Revisional Authority have failed to take note of factors as prescribed under Section 48 of U.P. Consolidation of Holdings Act as well as that no serious objection has been taken on behalf of contesting respondents, therefore, impugned order dated 16.01.2023 is set aside and writ petition is **allowed** in part and matter is remitted to Deputy Director of Consolidation to decide afresh after hearing the parties, preferably within a period of six months from today.

Order Date :- 3.11.2023

P. Pandey