

Court No. - 43

Case :- WRIT - B No. - 15850 of 2004

Petitioner :- Dev Raj

Respondent :- D.D.C. And Another

Counsel for Petitioner :- S.K. Mishra, Ashutosh
Upadhyay, K.S. Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra, J.

Order on Civil Misc. Delay Condonation Application No. 376023 of 2017.

1. The cause shown for the delay in filing the recall application is found to be sufficient.
2. The delay is condoned.

Order on Civil Misc. Recall Application No. 376026 of 2017.

1. Heard.
2. The cause shown for recall of the order dated 11.02.2016 is found to be sufficient.
3. The recall application is allowed and the writ petition is restored to its original number.

Order on Writ Petition.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.
2. Challenge in the writ petition is to the order of the Deputy Director of Consolidation, Varanasi Camp, District Jaunpur dated 16.01.2004, where a revision filed by the contesting respondents was allowed, affecting the chak of the petitioner.
3. The submission of learned counsel for the petitioner is that the revisional court has allowed the revision and shifted the chak of the revisionist-opposite party on the premise that his tube-well existed over and near the land to which the chak was shifted by the impugned order.
4. It has been urged by learned counsel for the petitioner that this is factually incorrect. However this submission has been

made only to be repelled. No CH Form 2-A has been filed by the petitioner to rebut the sole ground on which the revision of the opposite party was allowed. In case, existence of the tube-well in the basic year was to be disputed, the CH Form 2-A of the respondent was the conclusive evidence in this regard. However, petitioner has failed to adduce this conclusive evidence.

5. Even otherwise, this submission is not liable to be accepted because the Deputy Director of Consolidation while allowing the revision has categorically recorded that he had made a spot inspection and found the tube-well to be in existence and, therefore, proceeded to allow the revision.

6. Under the circumstances, I do not find any illegality in the impugned revisional order.

7. The writ petition under the circumstances, is found to be without merit and is, hereby, dismissed.

Order Date :- 8.12.2023

Mayank