

Court No. - 48

Case :- WRIT - B No. - 18581 of 2016

Petitioner :- Kitabullah

Respondent :- D.D.C. And 10 Ors.

Counsel for Petitioner :- Shailesh Kumar Tripathi

Counsel for Respondent :- C.S.C., Sharad Chandra Singh, Tripathi
B.G. Bhai

Hon'ble Saurabh Shyam Shamsbery, J.

Civil Misc. Delay Condonation Application No.9 of 2020

Heard.

Allowed.

Delay in filing substitution application is allowed.

Civil Misc. Substitution Application No.10 of 2020

Heard.

Allowed.

Counsel for the petitioner is directed to carry out necessary changes in cause title of writ petition during the course of the day.

Civil Misc. Delay Condonation Application No.6 of 2018

Heard.

Allowed.

Delay in filing substitution application is allowed.

Civil Misc. Substitution Application No.7 of 2018

Heard.

Allowed.

Counsel for the petitioner is directed to carry out necessary changes in cause title of writ petition during the course of the day.

Civil Misc. Substitution Application No.11 of 2021

Heard.

Allowed.

Counsel for the petitioner is directed to carry out necessary changes in cause title of writ petition during the course of the day.

Civil Misc. Abatement Application No.128944 of 2016

In view of order of date passed in Civil Misc. Substitution Application No.7 of 2018, this application is rejected.

Civil Misc. Abatement Application No.5 of 2018

In view of order of date passed in Civil Misc. Substitution Application No.7 of 2018, this application is rejected.

Order on memo of Writ Petition

This writ petition is arising out of proceedings initiated under Section 9(A)2 of U.P. Consolidation of Holdings Act, 1953. It appears that by order dated 21.09.2007, the restoration applications were considered and the matter was reopened to be heard on merits. The said order was challenged directly before the Deputy Director of Consolidation and the same was rightly rejected by the impugned order dated 29.03.2016, since the Consolidation Officer still has to pass an order on merits.

Learned counsel for the petitioner is not able to show any illegality or perversity in the impugned order dated 29.03.2016, thus, prayer made in this writ petition is rejected.

In view of the above, the Consolidation Officer is directed to proceed with the case and decide afresh, after hearing all parties concerned, in accordance with law, expeditiously, preferably within a period of six months.

This writ petition is accordingly, **disposed of**.

Order Date :- 1.11.2023

Zafar