

Court No. - 48

Case :- WRIT - B No. - 3513 of 2023

Petitioner :- Asharfi And 3 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Anurag Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery,J.

1. Heard Sri Anurag Kumar, learned counsel for petitioners and Sri A.C.Nishad, learned Standing Counsel. None appeared on behalf of respondents.

2. Petitioners are aggrieved by the impugned order dated 9.2.2023 passed by Deputy Director of Consolidation. The Deputy Director of Consolidation has noted certain facts that case was pending for last 40 years however, records were not available. There was a consent of all revisionists that matter be remanded back to Consolidation Officer who after reconstructing the records or after summoning the records would decide the case afresh after hearing parties within a period of six months.

3. Learned counsel for the petitioners submits that this exercise would further prolong the litigation. However, it is not being disputed that entire records was not available with the Deputy Director of Consolidation. Even the entire records is not annexed along with this writ petition.

4. It is true that the order of remand may not be passed in a routine manner. However, taking note of above referred circumstances, even the order of remand so passed after 40 years, this Court is of the view that Deputy Director of Consolidation was left with no other option and after considering above referred factors as well as consent of all revisionists has remanded the matter to Consolidation Officer to decide the matter afresh. The order was further accompanied with direction to summon records and to conclude proceedings within a period of six weeks.

5. Since the petitioners have admittedly not appeared before the Deputy Director of Consolidation, therefore, it is directed that petitioners shall appear before the Consolidation Officer and participate in the proceedings so that the Consolidation Officer

may decide the case afresh after hearing the parties in accordance with law expeditiously within the time prescribed by the Deputy Director of Consolidation.

6. With the aforesaid directions and observations, this writ petition is disposed of.

Order Date :- 12.10.2023

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