

Court No. - 48

Case :- WRIT - B No. - 70388 of 2010

Petitioner :- Ganga Prasad And Another

Respondent :- D.D.C. And Others

Counsel for Petitioner :- Madan Mohan, Tripathi B.G. Bhai

Counsel for Respondent :- C.S.C., Anoop Kumar Mishra, D.D. Chauhan, Jai Narain

Hon'ble Saurabh Shyam Shamschery, J.

Civil Misc. Delay Condonation Application No.7 of 2023.

Heard.

Cause shown is sufficient.

Application is allowed.

Delay in filing the substitution application is condoned.

Civil Misc. Substitution Application No.8 of 2023.

Heard.

Substitution application is allowed.

Learned counsel for the petitioners is directed to carry out substitution during the course of the day.

Order on memo of Writ Petition.

1. Heard Sri Tripathi B.G. Bhai, learned counsel for the petitioners and Sri Anoop Kumar Mishra, learned counsel for the contesting respondents (Revisionists) before Revisional Authority.

2. I find merit in the argument of learned counsel for the petitioners that the Deputy Director of Consolidation while allowing the revision petition filed by above referred contesting respondents has not referred nor considered petitioners' submission and prejudice caused to them that by impugned order their chaks were affected.

3. Above arguments have not been contradicted by the learned

counsel appearing on behalf of contesting respondents.

4. Both the counsel further submits that in case matter is remitted to the Deputy Director of Consolidation, same may be decided expeditiously.

5. In the aforesaid circumstances taking note that the impugned order was passed without giving adequate reasons in terms of factors given in Section 48 of Uttar Pradesh Consolidation of Holdings Act, 1953, therefore, an illegality has been erupted.

6. Accordingly, the impugned order dated 5.10.2010 is set-aside and matter is remitted to the Deputy Director of Consolidation to decide it afresh after hearing all the parties within a period of three months from today.

7. With the aforesaid direction, this writ petition is disposed of.

8. Learned counsel for the parties are directed to file amended cause title, before the Revisional Authority within two weeks.

Order Date:-16.11.2023

SB