

Court No. - 48

Case :- WRIT - B No. - 3032 of 2023

Petitioner :- Jagbhan Singh

Respondent :- Dy. Director Of Consolidation And 11 Others

Counsel for Petitioner :- Ram Kumar Pal

Counsel for Respondent :- C.S.C.,Achal Singh,Santosh Kumar Tiwari

Hon'ble Saurabh Shyam Shamsbery,J.

Heard Sri Ram Kumar Pal, learned counsel for petitioner, Sri Achal Singh, learned counsel for respondent No.11, Sri Santosh Kumar Tiwari, learned counsel for respondent No.4 and Sri A.C. Nishad, learned Standing Counsel for State.

This Court has passed the following order on 28.8.2023:-

"Heard Sri Ram Kumar Pal, learned counsel for petitioner and Sri Achal Singh, learned counsel appearing on behalf of Gaon Sabha.

Learned counsel for the petitioner submits that service upon the petitioner cannot be considered to be complete since admittedly summons were served upon petitioner's brother.

Learned counsel for the petitioner further submits that he is normally residing at Delhi and is employed in a Government organization and by impugned order, petitioner's chak has been affected and restoration application thereof has been rejected.

Learned counsel for the petitioner has placed reliance upon a judgment passed by Lucknow Bench of this Court in Ram Nain Misra & Ors. Vs. D.D.C. and Ors, Writ Petition No.440 of 1979, decided on 9.9.1987.

Issue notice to the private respondents returnable at an early date.

Steps be taken within a week.

In addition to normal mode of service, Dasti service is also permitted.

List on the date fixed in the notice.

Prayer for interim relief will be considered on the next date."

Sri Ram Kumar Pal, learned counsel for petitioner has reiterated the above submission.

Sri Santosh Kumar Tiwari, learned counsel for respondent No.4 submits that service to brother of petitioner could be considered to be sufficient since petitioner has not given any address that he was serving at Delhi, however, he further submits that in case this Court may please to remit the case to the Deputy Director of Consolidation for fresh hearing, petitioner be put of caveat not to disturb the possession which is at presently with respondent No.4.

Learned counsel for petitioner on instruction submits that petitioner undertakes that he will not try to disturb possession during pendency of revision.

In view of above submission, impugned order is set aside and matter is remitted to the Deputy Director of Consolidation. Both parties will appear before the Deputy Director of Consolidation on 09.11.2023. Thereafter, revision petition will be decided within a period of three months.

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

Order Date :- 19.10.2023

P. Pandey