

**Court No. - 48**

**Case :-** WRIT - B No. - 3192 of 2023

**Petitioner :-** Ram Milan And 7 Others

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Bhaju Ram Pprasad Sharma, Arvind Kumar Srivastava

**Counsel for Respondent :-** C.S.C., Satya Priya Mishra, Sudhir Bharti

**Hon'ble Saurabh Shyam Shamshery, J.**

1. Heard Sri Bhaju Ram Prasad Sharma, learned counsel for petitioners and Sri Sudhir Bharti and Sri S.P. Mishra, Advocates for contesting-respondents.

2. This is second round of litigation. In first round petitioners have approached this Court challenging the orders passed in consolidation proceedings. This Court vide order dated 16.07.2019 passed in Writ-B No. 38318 of 2011 has allowed writ petition and the order passed by Deputy Director of Consolidation was set aside with specific observations and directions as under:

*“The matter is remanded back to the Deputy Director of Consolidation, Gorakhpur, i.e., respondent no. 1 to pass fresh orders in Revision No. 1301/2009-10 after giving an opportunity of hearing to the concerned parties. The Deputy Director of Consolidation shall also consider the plea of the petitioners that the objections filed by respondent no. 5 were not maintainable under Section 20 of the Act, 1953. The Deputy Director of Consolidation shall decide Revision No. 1301/2009-10 remanded through the present order within a period of three months from the date a certified copy of this order is produced before him.*

*The writ petition is allowed.*

*Parties shall maintain status-quo till fresh orders are passed by the Deputy Director of Consolidation.”*

3. Learned counsel for petitioners submits that issue with regard to maintainability of objections was not considered and even said issue has not been referred in impugned order, therefore, the direction passed by this Court has not been followed.

4. On a specific query raised by this Court, whether the issue referred by this Court was pressed before concerned authority or argued, learned counsel for petitioner has not given any specific reply and the writ petition is also silent on this issue.

5. Considering the above circumstances and the direction passed by this Court, as referred above, even though it appears that it was not specifically raised, still Deputy Director of Consolidation is under legal obligation to comply the order passed by this Court, which has not been done in the present case and it is contemptuous in nature.

6. However, taking a lenient view, the impugned order dated 07.08.2023 is set aside and matter is remitted back to Deputy Director of Consolidation concerned to deice afresh taking note of directions passed by this Court vide order dated 16.07.2019, referred above. Petitioners are also at liberty to raise submission with regard to above issue before Revisional Authority.

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

**Order Date :- 13.12.2023**

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