

Court No. - 48

Case :- WRIT - B No. - 3565 of 2023

Petitioner :- Manohar Singh And Another

Respondent :- Deputy Director Of Consolidation And 5 Others

Counsel for Petitioner :- Rashtrapati Khare, Gaurav Khare

Counsel for Respondent :- C.S.C, Arvind Kumar Singh, Veerendra Kumar Shukla

Hon'ble Saurabh Shyam Shamshery, J.

Heard Sri Rashtrapati Khare, learned counsel for petitioners and Sri Veerendra Kumar Shukla, learned counsel for contesting respondent.

The petitioners are essentially aggrieved that under no circumstances, the Appellate Authority ought to have remitted the matter to Consolidation Officer, instead it should have decided the matter on its own merit.

Learned counsel for contesting respondent submits that as the matter required a fresh consideration, therefore, it was remitted back to Consolidation Officer, by the Appellate Authority.

Further both the counsel for respective parties have submitted arguments on merit also.

The Court, at this stage, is not entering into merit of case, however, there is substance in the argument of learned counsel for petitioner that matter ought to have been decided by Appellate Authority itself, as it has power to decide the matter as an appellate Court. The Deputy Director of Consolidation has not taken note of such power, therefore, order dated 23.9.2016 is interfered only to extent that matter will be decided by Settlement Officer Consolidation in accordance with law after hearing parties within a period of six months from today.

In aforesaid circumstances, the order dated 20.6.2023 passed by Deputy Director of Consolidation is set aside.

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

At this stage, learned counsel for respective parties on instruction submits that their respective parties have undertaken that they will not take any adjournment during hearing before concerned Authority.

Order Date :- 17.10.2023/P. Pandey