

Court No. - 48

Case :- WRIT - B No. - 3522 of 2023

Petitioner :- Ramadhar Rai And 2 Others

Respondent :- Deputy Director Of Consolidation And 4 Others

Counsel for Petitioner :- Brij Raj Singh, Ram Pratap Singh

Counsel for Respondent :- C.S.C, Omkar Nath Rai

Hon'ble Saurabh Shyam Shamshery, J.

The Revisional Authority by impugned order dated 09.08.2023 has remanded the matter to Consolidation Officer for fresh consideration.

The Settlement Officer Consolidation has taken a view that photocopy of a typed copy of order dated 02.07.1992 passed by Consolidation Officer does not appear to be a genuine document and, therefore, matter was remitted so that Consolidation Officer may pass a fresh order on basis of evidence and rival submissions.

Sri Brij Raj Singh, learned counsel for petitioners submits that a photocopy of certified copy of an order carried a presumption that document was genuine and the presumption cannot be set aside only on basis of assumption.

Sri Adya Prasad Tiwari, Advocate, holding brief of Sri Omkar Nath Rai, learned counsel for respondent has placed reliance on a judgment passed by co-ordinate Bench in the case of **Abu Yadav Vs. D.D.C., Azamgarh, 2018 139 RD 71**, that in case a finding returned by Deputy Director of Consolidation was based on evidence on record, the same may not be interfered by this Court.

I have perused the photocopy of disputed document which is annexed as Annexure No.2 and I do not find any error in the findings returned by Deputy Director of Consolidation that it appears to be under the clouds of doubt, therefore, the Court has no reason to interfere with impugned order, the matter has already been remanded back to Consolidation Officer and Authority has liberty to summon the record or if necessary, initiate an enquiry if it is found that there was something fishy. All the parties are at liberty to place their case on basis of evidence.

It is made clear that any observation made by this Court or Deputy

Director of Consolidation may not influence the Consolidation Officer who has at liberty to pass an order expeditiously, in accordance with law within a period of six months from today.

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

Order Date :- 12.10.2023

P. Pandey