

Court No. - 48

Case :- WRIT - B No. - 3545 of 2023

Petitioner :- Rekha Devi

Respondent :- Deputy Director Consolidation And 4 Others

Counsel for Petitioner :- Devansh Misra, Brajesh Kumar Dwivedi, Raghuvansh Misra

Counsel for Respondent :- C.S.C., Abhijit Mishra, Nitinjay Pandey

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri Devansh Mishra, learned counsel for petitioner and Sri H.N. Singh, learned Senior Advocate assisted by Sri Nitinjay Pandey, Advocate for Respondent-4.
2. Learned counsel for parties have not seriously disputed that during pendency of revision, Bhagwat Narain died on 28.06.2022 and a substitution application was filed on behalf of Respondent-4. Petitioner before this Court was not effectively heard either due to not arrayed as party in substitution application or otherwise.
3. Learned counsel for parties have also not much disputed that during pendency of said writ petition Consolidation Officer has passed two orders dated 04.01.2023 and 03.05.2023 whereby share has been determined amongst parties and chaks were allotted.
4. It is contended by learned Senior Advocate appearing for Respondent-4 that said orders were taken note by Deputy Director of Consolidation as reflected in amended chak table.
5. Learned counsel for petitioner submits that there was a dispute between sisters and co-owners, i.e., distant brothers, therefore, it appears that petitioner's cause was prejudiced as well as that restoration application filed by petitioner was dismissed by Deputy Director of Consolidation vide order dated 06.11.2023 on the

ground that this writ petition is pending before this Court.

6. In the circumstances and in the interest of justice that all parties may be heard before consolidation authorities, the impugned order dated 05.09.2023 as well as corresponding order dated 06.11.2023 (though not impugned in this writ petition but a certified copy of order is placed on record and orally prayed) are set aside. Matter is remitted back to Deputy Director of Consolidation, Mainpuri to decide revision afresh after hearing all parties including petitioner herein. Deputy Director of Consolidation is directed to summon record of Case Nos. 20235401499020303/ 196 (Rekha Devi vs. State) and 20235401499020304/ 197 (Satya Narain vs. State) and decide revision taking note of orders dated 04.01.2023 and 03.05.2023 passed by Consolidation Officer.

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

Order Date :- 9.11.2023

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