

Court No. - 48

Case :- WRIT - B No. - 3563 of 2023

Petitioner :- Manfoola Devi

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Anil Kumar Aditya

Counsel for Respondent :- C.S.C.,Rajendra Kumar Singh

Hon'ble Saurabh Shyam Shamsbery,J.

1. In the present case by way of impugned order dated 14.08.2023 Deputy Director of Consolidation, Jaunpur has remitted case back to Appellate Authority with certain observations.
2. Sri Anil Kumar Aditya, learned counsel for petitioner, submits that the reasons given in impugned order are contrary to record and is also against the settled position of law that a chakdar having original chak abut to road should be given advantage of road.
3. Sri Rajendra Singh, learned counsel appearing for contesting-respondents has supported the impugned order.
4. Later on learned counsel for petitioner fairly submits that Settlement Officer of Consolidation be directed to decide matter expeditiously.
5. In the present case, Deputy Director of Consolidation by a detailed order has remitted case to Settlement Officer of Consolidation with certain observations, therefore, it would be in the interest of justice that the matter be decided on merit by Settlement Officer of Consolidation expeditiously. The Deputy Director of Consolidation has already directed that the proceedings shall be completed within a period of three months, therefore, Settlement Officer of Consolidation is under legal obligation to follow the said time frame.

6. An apprehension is raised by learned counsel for petitioner that during pendency of appeal the respondents may try to disturb the possession.
7. Learned counsel appearing for contesting-respondents submits that any proceeding, if undertaken, the petitioner will have an opportunity to oppose the same.
8. In view of above, without interfering with impugned order, this writ petition is disposed of with direction to Settlement Officer of Consolidation concerned to comply the direction passed by Deputy Director of Consolidation by means of impugned order dated 14.08.2023.
9. It is made clear that in case interest of parties, either petitioner or respondents, are same, it is open to them to engage one or other Advocate and legal consequence, if any, would follow.
10. With aforesaid observations/directions, this writ petition is disposed of.

Order Date :- 17.10.2023

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