

Court No. - 48

Case :- WRIT - B No. - 3619 of 2023

Petitioner :- Bajrangi

Respondent :- Deputy Director Of Consolidation And 10 Others

Counsel for Petitioner :- Vrindavan Mishra, Ashutosh Mishra

Counsel for Respondent :- C.S.C., Anup Dhar Dubey

Hon'ble Saurabh Shyam Shamsbery, J.

Heard Sri Ashutosh Mishra, learned counsel for petitioner, Sri Anup Dhar Dubey, learned counsel for respondent Nos.4 to 7 and Sri A.K. Rai, learned A.C.S.C. for State.

In the consolidation proceedings, the Deputy Director of Consolidation is the Revisional Authority and being last authority in hierarchy under the power given in Section 48 of U.P. Consolidation of Holdings Act which are undisputedly very wide to impose a statutory obligation to pass reasoned order at least to refer factors given in said Section, however, as rightly pointed out by learned counsel for petitioner in following impugned order 'the said factors of reason are absolutely missing'.

Learned counsel for respondent Nos.4 to 7 has not able to confront the above referred submission made by counsel for petitioner. The relevant part of impugned order is hereinafter :-

"मैंने उभय पक्षों के विद्वान अधिवक्ता के तर्कों को ग्राम अदालत में सुना तथा ग्राम के सुसंगत अभिलेखों व भूचित्र का सम्यक अवलोकन किया, जिससे स्पष्ट है कि निगरानीकर्ता के गाटा सं 0 407/2 आदि रकबा 0.230 हे० 1/3 अंश 0.196 हे० मूल्यांकन 19.60 का प्रदिष्ट है। स०च०अ० द्वारा बाद कटौती 406 आदि पर 0.186 हे० का चक प्रदिष्ट है। च० अ० द्वारा 406 आदि पर 0.186 हे० का प्रदिष्ट है। व०अ०च० द्वारा 406 आदि रकबा 0.131 हे० का प्रदिष्ट है। निगरानीकर्ता के मांग के अनुसार गाटा सं 0 407 दक्षिण तरफ शांति देवी उत्तर तरफ धर्मदेव व बीच में निगरानीकर्ता स्वामीनाथ आदि का चक प्रदिष्ट किया जाना उचित प्रतीत होता है। निगरानी स्वीकार किये जाने योग्य है।"

(Emphasis Supplied)

In the aforesaid circumstances and taking note of above referred operative portion of impugned order, I find merit in argument of counsel for petitioner that impugned order is bereft of any reason, therefore, it is set aside and matter is remitted back to the Deputy Director of Consolidation to pass afresh order and taking note of factors given in Section 48 of U.P. Consolidation of Holdings Act.

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

Order Date :- 26.10.2023

P. Pandey