

Court No. - 48

Case :- WRIT - B No. - 3604 of 2023

Petitioner :- Naresh And Another

Respondent :- State Of U.P. And 14 Others

Counsel for Petitioner :- Sanjeev Kumar Tyagi

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

Hon'ble Saurabh Shyam Shamsheery, J.

1. Sri Sanjeev Kumar Tyagi, learned counsel for petitioners submits that impugned order dated 5.6.2023 was passed beyond jurisdiction by Consolidation Officer, therefore, petitioners have approached this Court directly without availing alternative remedy.

2. Learned counsel further submits that in the garb of correction after proclamation of notification issued under Section 52 of Uttar Pradesh Consolidation of Holdings Act, 1953, the Consolidation Officer has changed the chak of petitioners without giving any notice. He further submits that this approach of Consolidation Officer was contrary to law.

3. Learned counsel for petitioners further submits that respondents have pushed the Consolidation Officer to implement the impugned order and the order of measurement has been issued in haste.

4. Sri A.C. Nishad, learned Standing Counsel and Sri Sunil Kumar Singh, learned counsel for respondents have not been able to dispute the aforesaid submissions.

5. In the aforesaid circumstances, an opportunity is granted to the Consolidation Officer to take note of above circumstances and legal position, therefore, this writ petition is **disposed of** with direction to the petitioners to file a restoration application within a period of three days before the authority concerned and in case same is filed, the Consolidation Officer, Meerut shall consider and decide the restoration application within a period of two weeks thereafter taking note of above referred submissions.

6. The Consolidation Officer is cautioned not to show any unnecessary haste in implementing impugned order.

Order Date :- 19.10.2023-SB