

Court No. - 48

Case :- WRIT - B No. - 3790 of 2023

Petitioner :- Mitra Prakash

Respondent :- Consolidation Commissioner And 5 Others

Counsel for Petitioner :- Ramesh Rai

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery,J.

1.Heard Sri Ramesh Rai, learned counsel for the petitioner and Sri A.C.Nishad, learned Standing Counsel.

2. Petitioner has filed an application under Rule 65 (2) of U.P.C.H. Rules, 1954 with specific prayer to transfer the pending revision petition from Court of Deputy Director of Consolidation-Etwah to Deputy Director of Consolidation of other District therefore, he has filed a transfer application before the authority concerned i.e Consolidation Commissioner. However, it appears that the said authority has construed the prayer to the effect that transfer was sought within the district which was not factually correct.

3. Learned Standing Counsel fairly submitted that in the impugned order illegality has been committed.

4. In the aforesaid circumstances, impugned order dated 4.7.2023 is set-aside and the matter is remitted to Consolidation Commissioner, U.P. Lucknow to pass a fresh order on the transfer application filed by the petitioner considering the prayers made therein.

5. With the aforesaid direction, this writ petition is disposed of.

Order Date :- 9.11.2023

SB