

Court No. - 48

Case :- WRIT - B No. - 3767 of 2023

Petitioner :- Rajaram And Another

Respondent :- State Of U.P. And 15 Others

Counsel for Petitioner :- Anoop Singh, Ashok Kumar Singh

Counsel for Respondent :- C.S.C., Rajesh Kumar Mishra

Hon'ble Saurabh Shyam Shamschery, J.

Sri Ashok Kumar Singh, learned counsel for petitioners has not pressed the prayer No.A and has only pressed the prayer No.B which is mentioned hereinafter:-

"B. A writ of mandamus directing and commanding to respondent No.2 to call for reference in compliance of the order dated 19-10-1989 passed by Consolidation Officer Holagarh Soraon Allahabad in case No.59 (Guddoo others vs. State) under Section 9-A(2) of U.P. Consolidation of Holdings Act, 1953 to correct the revenue record of right and map of petitioners according to C.H. 23(1) chak No.88."

Learned counsel for petitioners submits that an application was filed in regard to prayer No.B, however, neither it was considered nor it was rejected. He also placed order passed by Settlement Officer Consolidation that matter was remanded back to Consolidation Officer to consider it afresh.

The Court has made a specific query with counsel for petitioner that under which provision, the prayer No.B could be allowed, however, he refers only Section 48(3) of U.P. Consolidation of Holdings Act, however, admittedly, no separate or independent application is filed to ventilate petitioners' grievance as prayed for, therefore, this writ petition is **disposed of** with liberty to petitioners to take appropriate remedy available to ventilate their grievance as mentioned in prayer No.B.

This order is passed in presence of Sri Rajesh Kumar Mishra, learned counsel for contesting respondents.

Order Date :- 8.11.2023

P. Pandey