

Court No. - 48

Case :- CIVIL MISC REVIEW APPLICATION No. - 522 of 2023

Applicant :- Ram Awadh And 5 Others

Opposite Party :- State Of U.P. And 8 Others

Counsel for Applicant :- Shashi Ranjan Srivastava

Counsel for Opposite Party :- C.S.C.,Anil Kumar Rai

Hon'ble Saurabh Shyam Shamshery,J.

1. This review application has been filed to review the order dated 19.10.2023 passed by this Court whereby the writ petition was disposed of with liberty to the petitioners to take recourse of alternative remedy available in law under the provisions of U.P. Consolidation of Holdings Act, 1953.

2. Sri Shashi Ranjan Srivastava, learned counsel for the applicants submits that since the Consolidation Officer has not complied with the directions passed by the Settlement Officer of Consolidation when the matter was remanded back, therefore applicants have approached this Court.

3. Sri Narendra Shanker, Advocate holding brief of Anil Kumar Rai, learned counsel for the respondents submits that since liberty has already been granted to the applicants, therefore, all the issues can be raised by way of filing an appeal before the Appellate Court.

4. This Court has passed following order on 19.10.2023:

"None appears on behalf of petitioners.

Sri Narendra Shankar, Advocate holding brief of Sri Vishnu Singh, learned counsel for contesting respondent is present.

It is pointed out by learned counsel for contesting respondent that petitioners have rushed to this Court to challenge the order passed by Consolidation Officer despite there being an effective alternative remedy available to him i.e. to file an appeal under the provisions of U.P. Consolidation of Holdings Act, 1953.

Sri A.C. Nishad, learned Standing Counsel for State has drawn attention of this Court on paragraph No.29 of this writ petition

which states as follows :-

"That the petitioner has got no other alternative efficacious and speedy remedy available to him, but to invoke the extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India...."

In the aforesaid circumstances, since there is no dispute that petitioners have an alternative remedy as well as no averment has been made in writ petition as to why they have rushed to this Court without availing the available alternative remedy, therefore, without interfering with impugned order, this writ petition is disposed of with liberty to petitioners to take recourse of alternative remedy available in law under the provisions of U.P. Consolidation of Holdings Act, 1953."

5. Aforesaid circumstances are not being disputed, therefore, only on the ground that after remand, the Consolidation Officer has not complied with the direction passed by Settlement Officer of Consolidation, may not be a ground to review the order as all the grounds could be raised before the Appellate Court also.

6. In view of the above, I do not find any error apparent on record to interfere with the order under review.

7. Review application is accordingly rejected.

Order Date :- 16.11.2023

SB