

Court No. - 48

Case :- WRIT - B No. - 3754 of 2023

Petitioner :- Bal Kumar Patel And 4 Others

Respondent :- State Of U.P.And 11 Others

Counsel for Petitioner :- Pramod Kumar Srivastava, Shiv Singh

Counsel for Respondent :- C.S.C

Hon'ble Saurabh Shyam Shamshery, J.

1. Petitioners have rushed to this Court against impugned order dated 18.02.2023 passed by Deputy Director of Consolidation, Chitrakoot whereby matter has been remitted to Settlement Officer of Consolidation to decide appeal afresh.

2. Learned counsel for petitioners submits that Appellate Authority has remitted case to Consolidation Officer on the ground that order dated 20.07.1981 passed by Consolidation Officer was not on record, therefore, appeal could not be decided on merit.

3. I have carefully perused the impugned order. It is not in dispute that photocopy of certified copy of order dated 20.07.1981 is on record, therefore, the finding returned by Appellate Authority was perverse which was correctly noted by Revisional Authority and order passed by Appellate Authority was set aside and matter was remitted back to Appellate Authority to decide appeal afresh on merit. All the contentions of petitioners as well as contesting-respondents are still open. Therefore, to interfere with impugned order at this stage would not justify.

4. Writ petition is accordingly dismissed. However, Appellate Authority is directed to decide appeal expeditiously, preferably within a period of eight months from today, if there is no legal impediment.

Order Date :- 8.11.2023

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