

Court No. - 48

Case :- WRIT - B No. - 3807 of 2023

Petitioner :- Kulbul Prasad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Krishna Kumar Chaurasia

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery,J.

1. Heard Sri Krishna Kumar Chaurasiya, learned counsel for petitioner and learned Standing Counsel for State-Respondents.
2. Present case is essentially arising out of an appeal which is pending before Settlement Officer of Consolidation, Basti.
3. During pendency of appeal, the petitioner has filed an application to summon missilband record, whereupon a report was submitted by Lekhpal concerned dated 30.06.2018. Admittedly no cognizance was taken on said report by the Appellate Authority. Meanwhile, another application was filed by petitioner before Appellate Authority to defer the hearing of appeal till he get information under Right to Information Act. However, Appellate Authority has put up the case for hearing vide order dated 26.09.2018. It appears that this order was challenged before Revisional Authority by filing a revision, however, the same was rejected by means of impugned order dated 28.06.2023.
4. From above referred facts it is evident that the matter has still not been heard by Settlement Officer of Consolidation on merit and it is pending since 2018. No material has been placed on record received under Right to Information Act. Therefore, there is no ground to defer the hearing of appeal.
5. In aforesaid circumstances, without interfering with impugned order, this writ petition is disposed of with direction

to Settlement Officer of Consolidation concerned to decide the appeal expeditiously in accordance with law after taking note of report dated 30.06.2018 submitted by the Lekhpal, if there is no legal impediment.

Order Date :- 16.11.2023

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