

Court No. - 48

Case :- WRIT - B No. - 4103 of 2023

Petitioner :- Sri Abdul Rauf And 7 Others

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Rituwendra Singh
Nagvanshi, Sachchidanand Srivastava, Sr. Advocate

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri R.C. Singh, learned Senior Counsel assisted by Sri Sachchidanand Srivastava, learned counsel for petitioners and Sri Pankaj Kumar Gupta, learned counsel for the Gaon Sabha.

2. I find merit in the argument of learned Senior Counsel appearing on behalf of petitioners that a Revision petition filed by Gaon Sabha was considered and rejected vide order dated 6.1.2023 however, subsequently a recall application to recall the aforesaid order was allowed vide order dated 30.1.2023, at the behest of petitioners without issuing notices to them.

3. I also find merit in the argument of learned counsel for petitioners that Full Bench judgment of this Court in ***Smt. Shivraji & Ors. Vs. Deputy Director of Consolidation, Allahabad & Ors, (1997) 88 RD 562***, has not been considered while passing the order dated 30.1.2023, therefore, impugned orders dated 30.1.2023 passed in recall application and order dated 16.3.2023 passed by Deputy Director of Consolidation in revision petition is also set-aside and matter is remitted to Deputy Director of Consolidation to consider recall application afresh after issuing notice to the respondents therein expeditiously within a period of two months from today considering ***Smt. Shivraji & Ors***, (supra).

4. With the aforesaid observations/direction, this writ petition is disposed of.

Order Date :- 13.12.2023

SB