

Court No. - 48

Case :- WRIT - B No. - 4031 of 2023

Petitioner :- Rajpal Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Amarjeet Choudhary, Rajesh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamsbery, J.

1. Sri Amarjeet Choudhary, learned counsel for petitioner submits that petitioner has challenged an order dated 05.09.2023 whereby the transfer application filed by him is rejected.

2. Learned counsel for petitioner refers the paragraph No.10 of writ petition which states as follows:-

"That on the date fixed before the Consolidation Officer, District-Sambhal, the Consolidation Officer openly asked to the petitioner to transfer the proceeding in another district and also said that the respondents 4 to 6 are very effective persons and interfering in the work of Court."

3. I have carefully perused the application dated 23.05.2023 as well as impugned order in application. The main ground to transfer the case was that petitioner is residing at Moradabad and it is difficult for him to travel up to Sambhal as well as that respondents are powerful persons and they are trying to interfere in work of Court.

4. The aforesaid circumstances are not sufficient to transfer the case as held by this Court in in case of **Dharmendra Singh v. State Of U.P. And 5 Others, 2023:AHC:153820**, wherein it has been held that mere suspicion by the party that he will not get justice would not justify transfer. There must be a reasonable apprehension to that effect, however, except vague assertion, no reasonable ground to consider prayer for transfer, therefore, I do not find any illegality in impugned order at this stage.

5. At this stage, learned counsel for petitioner submits that case No. TA- 5 of 2012 under Section 9-A(2) of U.P. Consolidation of Holdings Act, 1953 (Harshit Yadav and others Vs. Aliraja and others) be decided expeditiously without giving any adjournment.

6. This prayer is considered and this writ petition is **disposed of** with direction that Consolidation Officer, Sambhal will decide aforesaid case expeditiously, without giving any adjournment preferably within a period of three months, if there is no legal impediment.

Order Date :- 8.12.2023

P. Pandey