

Court No. - 48

Case :- WRIT - B No. - 4109 of 2023

Petitioner :- Surendra Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Tripathi B.G. Bhai, Pramod Kumar Singh

Counsel for Respondent :- CSC

Hon'ble Saurabh Shyam Shamshery, J.

1. This writ petition is filed seeking following reliefs:

“(I) Issue a writ, order or direction in the nature of mandamus, commanding the Consolidation Commissioner/ respondent No. 2 to pass appropriate order on the basis of report dated 09.11.2022 submitted by the Consolidation Officer, report dated 14.08.2017 submitted by the Settlement Officer of Consolidation, report dated 06.04.2018 submitted by the Deputy Director of Consolidation, Siddharth Nagar and report dated 03.04.2017 submitted by the District Deputy Director of Consolidation in respect of Village Rajpur, Pargana-Rasoolpur, Tehsil-Dumariyaganj, District Siddharth Nagar, within stipulated period to be specified by this Hon’ble Court.”

2. Sri Tripathi B.G. Bhai, learned counsel for petitioner submits that reports have been submitted by concerned authorities and Consolidation Commissioner is under obligation to take a decision, whether notification under Section 6(1) of U.P. Consolidation of Holdings Act, 1953 has to be issued or not.

3. The prayer of petitioner is in the teeth of judgment passed by Division Bench of this Court in **Agricultural & Industrial Syndicate Ltd. Vs. State of U.P., 1975 SCC OnLine All 521**, therefore, the mandamus, as sought by petitioner, cannot be issued. However, it is upto the concerned authority to take a decision in accordance with law.

4. With aforesaid observation, the writ petition is dismissed.

Order Date :- 14.12.2023

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