

Court No. - 48

1. Case :- WRIT - B No. - 4082 of 2023

Petitioner :- Shanti Devi And 38 Others

Respondent :- State Of U.P. 5 Others

Counsel for Petitioner :- Satyaveer Singh, Sr. Advocate

Counsel for Respondent :- CSC, Sunil Kumar Singh

and

2. Case :- WRIT - B No. - 4081 of 2023

Petitioner :- Kiranpal And 39 Others

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

Counsel for Petitioner :- Satyaveer Singh, Sr. Advocate

Counsel for Respondent :- CSC, Sunil Kumar Singh

Hon'ble Saurabh Shyam Shamschery, J.

1. Heard Sri R.K. Ojha, learned Senior Counsel assisted by Sri Satyaveer Singh, learned counsel for petitioners and learned Standing Counsel for State.

2. Petitioners have directly challenged the impugned order passed by Consolidation Officer before this Court and for that paragraph No.28 of writ petition, following averments have been taken.

"(i) Impugned order is violative to the principle of natural justice.

(ii) Alternative remedy is not absolute bar.

(iii) There is no power provided under Section 11 and 48 of the Act 1953 to stay the impugned order during pendency of an appeal and revision.

(iv) The fundamental right of the petitioners under Article 19(1)(g) have been curtailed without any rhyme and reason.

(v) That by the impugned order the constitutional rights under Article 300A (Part XII Chapter IV) of the Constitution of India have been affected."

3. Learned Senior Counsel for petitioners submits that principles of natural justice have been violated and long revenue entries have been expunged in a very cursory manner.

4. Learned Standing Counsel for State submits that Appellate Authority has wide power even to grant stay if a case is made out for any interim relief.

5. In the aforesaid circumstances, I do not find any ground to consider these writ

petitions at the instance, however, considering the anxiety of petitioners, these writ petitions are disposed of with following observations/directions that:-

(i) Petitioners are granted liberty to file an appeal as provided under Section 11 of U.P. Consolidation of Holdings Act, 1953 and delay if any, may not be considered by concerned authority in a strict manner since petitioners have approached this Court earlier also.

(ii) It is further directed that appeal if filed within short period, concerned authority will consider the prayer for interim relief and will decide application within three weeks from date of filing such application/appeal and thereafter, will take all endeavour to decide appeal within a period of six months, if there is no legal impediment.

6. These writ petitions are **disposed of**.

7. It is made clear that this Court has not entered into merit of case at this stage.

Order Date :- 11.12.2023

P. Pandey