

Court No. - 18

Case :- WRIT - B No. - 451 of 2003

Petitioner :- Puran Chand

Respondent :- Addl. Director Of Consolidation Lucknow And Others 4

Counsel for Petitioner :- S.Chandra

Counsel for Respondent :- C.S.C, I.D.
Shukla, S.K. Mehrotra, V.S. Tripathi

Hon'ble Shree Prakash Singh, J.

Case called out.

None is present on behalf of the petitioner whereas Sri V.S. Tripathi, learned counsel for the respondent no.5 and Sri Hemant Pandey, learned Standing Counsel for the State are present.

From the perusal of the order sheet, it transpires that this petition has been listed time and again and lastly on 23.11.2023 and when this case was called out, no one was present to press this petition on behalf of the petitioner and further this case was listed on 28.11.2023. On 28.11.2023 also, no one was present for the petitioner and this Court passed the order that 'if the counsel for the petitioner will not remain present on the next date, the Court will proceed in absence of the counsel for the petitioner.'

In the aforesaid circumstances, this Court is proceeding to hear this matter.

Heard Sri V.S. Tripathi learned counsel for the respondent no.5, Sri Hemant Pandey, learned Standing Counsel for the State and perused the material on record.

By means of the present petition, the petitioner has prayed for

following reliefs:-

"(i) to issue a suitable order or direction in the nature of certiorari quashing the order dated 4.3.2003 passed by respondent no.1.

(ii) to issue a writ order or direction in the nature of mandamus to transfer the appeal No.850 of 2002 and 851 of 2002 from the court S.O.C., Mathura to any other S.O.C. court of another district."

It has been pointed out that the petitioner preferred transfer application before the respondent no.1 on 27.12.2002 whereafter an objection was moved by the respondent no.5 on 14.2.2003 and thereafter, the Consolidation Commissioner rejected the transfer application, vide order dated 4.3.2003, which is under challenge in this petition.

From perusal of the counter affidavit filed by the State Government, it transpires that the Presiding Officer against which the transfer application was preferred by the petitioner, has already been transferred in the year 2003, as has been specifically averred in para 9 of the counter affidavit and now the case is pending at the appellate stage.

Learned counsel for the State as well as the opposite party no.5 submits that since no cause of action survives as the Presiding Officer has already been transferred, therefore, this petition has become infructuous and the same may be dismissed.

In view of the aforesaid submissions and discussions, instant petition is dismissed as having become infructuous.

Interim order, if any, stands vacated.

Consigned to the records.

This order shall be communicated by the learned Standing

Counsel to the District Magistrate, Mathura and on such communication, the District Magistrate shall take further course of action.

Order Date :- 29.11.2023

Ram Murti