

Court No. - 6

Case :- WRIT - B No. - 630 of 2013

Petitioner :- Israji

Respondent :- Deputy Director Of Consolidation Pratapgarh And Ors.

Counsel for Petitioner :- Avanindra Singh Parihar, Rakesh Kumar Singh

Counsel for Respondent :- C.S.C, A.S. Chaudhary, Prabhakar Vardhan Chaudha

Hon'ble Rajnish Kumar, J.

C.M.Application No.20416 of 2019

Heard, Shri Rakesh Kumar Singh, learned counsel for the petitioner, Shri P.V. Chaudhary, learned counsel for the private respondents and learned Standing Counsel.

Learned counsel for the private respondents submits that the petitioner has not disclosed in this application as to whether the substitution on account of death of sole petitioner Israji has been made before the Consolidation Officer or not and as per his instructions the substitution has not been made, therefore while allowing the substitution it may be clarified that the petitioner shall not get any benefit of the substitution made in this petition before the Consolidation Officer, in case the substitution has not been made and leaving all the objections which may be taken by the respondents open, the application may be allowed.

Learned counsel for the petitioner has no objection to the same and submits that since the sole petitioner has died, therefore the present application may be allowed.

In view of above the application is allowed.

Let the substitution be incorporated during course of the day.

It is made clear that all the objections which may be available to

the respondents are open to be taken and considered by the Consolidation Court in regard to the substitution of the petitioner before the Consolidation Officer, if already not made.

C.M.Application No.15 of 2023

Learned counsel for the petitioner submits that since after remand by the impugned order dated 19.09.2012 and the order dated 22.11.2010 the matter is pending before the Consolidation Officer, therefore the petitioner does not want to press this petition to pursue the matter before the Consolidation Court, therefore the petition may be dismissed as withdrawn. To which there is no objection by the other side.

In view of above the petition is **dismissed** as withdrawn.

Interim order, if any, stands vacated.

(Rajnish Kumar,J.)

Order Date :- 12.12.2023

Banswar