

Court No. - 18

Case :- WRIT - B No. - 26472 of 2019

Petitioner :- Pawan Kumar

Respondent :- State Of U.P. Thru Prin.Secy. Revenue Lucknow
And Ors.

Counsel for Petitioner :- Dadu Ram Shukla D.R. Shu,Manoj
Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh,J.

Heard Sri Dadu Ram Shukla, learned counsel for the petitioner,
Sri Hemant Pandey, learned Standing Counsel for the State and
perused the material on record.

Instant petition has been filed with the following prayers:-

"1. issue a writ order or directed in the nature of Mandamus commanding the opposite parties to complete the process of Consolidation operation of the village Madavpur Tehsil Tarabganj, District Gonda started hitherto but left out subsequently in the mid way as per Annexure No.3 to the writ petition.

2. issue a writ order or direction in the nature of Certiorari thereby quashing the Notification No.6616/G-Section 6(1)/2017-18(11) dated 06.11.2018 (as per Annexure No.3 to the writ petition) by summoning its original."

Learned counsel for the petitioner submits that in the year 2004, the village was notified under the consolidation proceedings, vide the notification dated 9.4.1994 and the consolidation proceeding were carried upto the stage of Section 9 of the U.P. Consolidation of Holdings Act and the publication dated 1.2.2015 was also done. Adding his arguments, he submits that the consolidation proceedings with respect to the village of the petitioner, has been withheld.

He further submits that in the case of **Saroj Sharma Vs. State of U.P. and others, 2004 (96) RD 454**, it has been held that where the consolidation holding is at the chak allotment stage and the 80 per cent of the village abadi want consolidation proceeding to continue, then order of cancellation of notification is unsustainable. He added that the case of the present matter is squarely covered with the ratio of the

Judgment aforesaid.

On the other hand, learned counsel for the State has vehemently opposed the contention aforesaid and submits that law is settled by virtue of Judgment and order passed in **Writ-B No. 28049 of 2014, Daswant Ram Vs. Consolidation Commissioner U.P. and others**, decided on 23.12.2014 and the co-ordinate Bench of this Court has held therein that the writ petition is not maintainable so far as the cancellation of notification of consolidation proceeding is concerned.

After the aforesaid arguments, learned counsel appearing for the petitioner submits that he may be permitted to withdraw the instant petition and liberty may be granted to the petitioner to approach appropriate forum so as to agitate his grievance.

Learned counsel for the State has no objection to the submission aforesaid.

In view of the aforesaid submissions, instant petition is hereby **dismissed** as withdrawn, however, the petitioner is given liberty to approach the appropriate forum for redressal of his grievance, if any, in accordance with law.

Order Date :- 23.11.2023
Ram Murti