

Court No. - 18

Case :- WRIT - B No. - 910 of 2023

Petitioner :- Smt. Sangeeta

Respondent :- Deputy Director Of Consolidation, Sultanpur And 7 Others

Counsel for Petitioner :- Arvind Kumar Jauhari, Vinay Kumar Mishra

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

By means of the present petition the petitioner has assailed the order dated 14.10.2022 passed by Settlement Officer of Consolidation, Sultanpur, in appeal no. 1607/2022, Computerized Case No. 202254046800001607 (Vanshraj Versus Dharendra Pratap), which was instituted under Section 11(1) of U.P. Consolidation of Holdings Act, 1953 alongwith an application for condonation of delay.

The petitioner has also assailed the order dated 30.06.2023 passed by Deputy Director of Consolidation, Sultanpur in revision filed under Section 48(1) of the Act of 1953, registered as Case No. 1819/2022, Computerized Case No. 202254046800001819 (Sangeeta Versus Dharendra Pratap).

Brief facts of the case are to the effect that an appeal no. 607 of 2022, detailed above, was preferred by one Vanshraj, predecessor-in-interest of petitioner, challenging the order dated 27.11.1981 passed by Consolidation Officer in Case No. 0526/0528 (Raj Naresh Singh Versus Raghunandan and Others), under Section 9A(2) of the Act of 1953.

The appeal aforesaid challenging the order dated 27.11.1981 was filed alongwith an application for condonation of delay as the appeal was instituted before the appellate authority in the month of January 2013. Thus, delay in filing the appeal was about 33 years.

A perusal of order dated 27.11.1981 passed by Consolidation Officer, Antim Abhilekh, Gabhedia, Sultanpur, indicates that appellant/Vanshraj, predecessor-in-interest of the petitioner, appeared before the Consolidation Officer and made a statement and Consolidation Officer based upon the material available on record, observed that Vanshraj has failed to prove

his possession over the property in dispute.

A perusal of order dated 14.10.2022 passed by Settlement Officer of Consolidation, indicates that alongwith the memo of appeal, which was filed alongwith an application for condonation of delay, copy of order dated 27.11.1981 was filed, which was issued on 27.11.1981 and considering the same, the appellate authority observed that the appellant was having the knowledge of the order appealed dated 27.11.1981 and as such the explanation given to condone the delay is not sufficient and accordingly rejected the delay condonation application and consequently rejected the said appeal.

Thereafter, Vanshraj, predecessor-in-interest of petitioner, preferred a revision. From perusal of memo of revision, which is on record, it is apparent that revisionist/Vanshraj in the revision has not assailed the findings regarding knowledge of order dated 27.11.1981. The revisional authority considered the material available on record and dismissed the revision.

This Court upon due consideration of contents/averments regarding condonation of delay made in memo of appeal preferred by Vanshraj finds that observations made in the impugned orders are just and proper and being so no interference is required in the impugned order dated 14.10.2022 passed by Settlement Officer of Consolidation, Sultanpur and order dated 30.06.2023 passed by Deputy Director of Consolidation, Sultanpur. It is for the reasons that allegations with respect to knowledge are vague. With regard to allegations of fraud, it is not understandable that how on visiting the property in dispute, the Original appellant/Vanshraj came to know that order appealed was obtained by playing fraud. The allegations of fraud are not supported by any further allegations how fraud was committed. The order dated 28.07.1971, alleged to be a final order between the parties, has not been made part of record.

For the reasons aforesaid, the present petition is liable to be dismissed. It is ***dismissed*** accordingly.

Order Date :- 12.10.2023/Jyoti/-