

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5072 of 2023

Petitioner :- Sankata Prasad

Respondent :- Deputy Director Of Consolidation / Addl.
District Magistrate, Balrampur And 9 Others

Counsel for Petitioner :- Ram Kewal Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

Present petition has been filed for the following main relief:-

"Wherefore it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the Deputy Director of Consolidation /Additional District-Magistrate, Balrampur to decide application dated 20-05-2023 filed by petitioner u/s 41 of the U.P.C.H. Act read with section 201 of U.P. Land revenue Act/Section 209 (H) U.P. revenue code 2006 for recall of Ex party order dated 02-02-2023 in revision No. 119/2021 Village Paraspur Kamda, Pargana-Tulsipur Tehsil & District-Balrampur (Ghanshyam and others Vs. Sankata Prasad).

Further the opposite party No. 1 may be directed to decide the entire case finally in revision No. 119/2021 village paraspur Kamda Pargana Tulsipur Tehsil and District-Balrampur, (Ghanshyam and others Vs. Sankata Prasad) as expeditious as possible or within a period as stipulated by this Hon'ble court."

Considering the fact that challenging the order(s) passed by the Consolidation Officer, Settlement Officer of Consolidation as also the D.D.C., a writ petition i.e. Consolidation No. 4381 of 1981 was filed way back in the year 1981 and this petition was allowed vide order dated 27.02.2019 and matter was remanded back to the Consolidation Officer to decide the issue between the parties afresh and thereafter the Consolidation Officer decided the dispute between the parties vide order dated 21.10.2021 and thereafter aggrieved party filed a revision under Section 48(1) of the U.P. Consolidation of Holdings Act, 1953 which is pending consideration as Revision No.119 of 2021 since November, 2021 and despite a caveat petition, petitioner was not heard at the time of passing of interim order passed by the opposite party No.1, this Court is of the view that justice would suffice if a direction is issued to opposite party No.1 to

decide the application of the petitioner dated 20.05.2023 as per law and conclude the proceedings of the case, in issue, within the time specified.

Learned State counsel submits that he has no objection in case an expedite order is passed.

Accordingly, this petition is disposed of with a direction to the respondent No.1-Deputy Director of Consolidation/Additional District Magistrate, Balrampur to consider and decide the application, in issue, dated 20.05.2023 as also the revision, in issue, most expeditiously, after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary adjournment to either party preferably within a period of six months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

It is made clear that this Court has not examined the case of either party on merits and the Authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 10.10.2023

Vinay/-