

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5421 of 2023

Petitioner :- Mahesh Kumar Pandey And Others

Respondent :- Consolidation Officer, Sadar, Ayodhya And Others

Counsel for Petitioner :- Abhishek Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the parties.

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

By means of this petition, the petitioners have sought the following main relief:-

"Issue an order, or direction, thereby the opposite parties particularly opposite party no. 1, may kindly be directed to consider and decide the case bearing Case no. 232/410/319, "Jagdamba and others Vs. Badri Prasad" U/s 9(a)(2) U.P. Consolidation Holding Act, filed by the petitioners, after its restoration prayed through application dated 09.10.2020 within a shortest time frame stipulated by this Hon'ble Court."

With regard to main reliefs sought in this petition, it has been stated by the petitioners' counsel that case in issue i.e. Case No. 232/410/319 (Jagdamba and others Vs. Badri Prasad) preferred under Section 9(a)(2) of U.P. Consolidation Holding Act, 1953 (in short "Act of 1953") was dismissed for want of prosecution on 22.09.2020 and on coming to know about the said order, the petitioners preferred an application dated 09.10.2020 for recall of the order dated 22.09.2020, which is still pending, though, almost 3 years have elapsed and on account of pendency of the said application as also the case in issue, the petitioners are suffering great hardship and mental agony. He also says that petitioner Nos. 3 & 4 and opposite party Nos. 2, 3, 4, 5, 6 and 7 are the senior citizens. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending application and the case.

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

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No.1/Consolidation Officer, Sadar, District Ayodhya to consider and decide the application, in issue, most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of three months from the next date fixed in the case, if there is no other legal impediment in this regard.

It is made clear that the 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 :- 19.10.2023

Arun/-