

Court No. - 18

Case :- WRIT - C No. - 9342 of 2023

Petitioner :- Teerath Ram

Respondent :- Addl. Commissioner (Administration), Devi Patan Mandal, Gonda And Others

Counsel for Petitioner :- Sharvan Kumar Pandey

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Saurabh Lavania, J.

Heard.

The present petition has been filed with the following prayer:

"I. Issues a writ, order or direction in the nature of the Certiorari, thereby quashing the order of Additional commissioner Devi Patan Mandal Gonda passed in the Case No.395 of 2011-2012, Computrikrit Case No. C- 201108000000030 (Laxaman (Deceased) substitute Teerath & others Versus Bechayi (Deceased) substitute Ram Jas and others) under section 219 U.P. Land Revenue Act 1901 vides order dated 13.09.2019, and order dated 5.1.2022 The certified copy/ type copy of the orders dated 13.09.2019, is being annexed as ANNEXURE NO.1, to this writ petition."

At the very outset, learned State Counsel based upon the instructions says that file of the case is available in the revenue court of Sub-Divisional Magistrate, Jamunaha, District-Shravasti (opposite party No.2).

It has also been indicated that the order impugned is a simplicitor order of remand, as such, the present petition is not liable to be entertained.

Learned counsel for the petitioner, however, tried to satisfy this Court that the remand order, in issue, is liable to be interfered with.

Considered the submissions advanced by the counsel for the parties and perused the impugned order.

From the impugned order dated 05.01.2022 itself reflects that the same is a simplicitor remand order and the authority concerned has not recorded any finding, which can prejudice the case of the petitioner before the revenue court of Sub-Divisional Magistrate, Jamunaha, District-Shravasti (opposite party No.2).

It is settled principle of law that the order of remand does not terminate the proceedings. The proceedings are still alive. The parties to the litigation are having full opportunity to adduce evidence before the Authority concerned.

It is also settled principal of law that the order of remand simplicitor is an interlocutory order and it does not terminate the proceedings, as observed by this Court in the case of **Ram Chandra Vs. Deputy Director of Consolidation Lucknow reported in 2017 (134) RD 25**. Reference has also been made of the judgment passed in the case of **Vijay Nath and others vs. Deputy Director of Consolidation and another** reported in [2019 (9) ADJ 85] and the judgment dated 10.02.2023 passed by this Court in **Writ-B No.108 of 2023 (Angad Pratap Singh and others vs. Deputy Director of Consolidation and others)**. Accordingly, this Court is not inclined to entertain this petition.

It is settled principle of law that the order of remand can only be interfered with if in it the finding(s) have been recorded which would affect the rights of the parties after remand. However, in the instant case, the order of remand dated 05.01.2022 is simplicitor remand order and in this, no finding has been recorded so as to prejudice the rights of the petitioner before the authority concerned. As such, the order impugned is not liable to be interfered with by this Court.

For the reasons aforesaid including that the order impugned dated 05.01.2022 is simplicitor remand order and law on the subject, this Court is not inclined to entertain the present petition. It is, accordingly, **dismissed**.

Before parting it would be appropriate to observe that it is expected from the opposite party No.2 to decide the case, in issue, expeditiously as the application for demarcation was preferred in the year 2009. For concluding the proceedings within the time, the Authority concerned shall not provide any adjournment to either party.

Order Date :- 1.11.2023/Raj