

Court No. - 18

Case :- WRIT - B No. - 987 of 2023

Petitioner :- Vinod And 2 Others

Respondent :- Deputy Director Of Consolidation, Unnao And 3 Others

Counsel for Petitioner :- Rajendra Prasad, Bhaiya Lal Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh, J.

Heard Sri Rajendra Prasad, learned counsel for the petitioners, Sri Praful Yadav, Additional Chief Standing Counsel for the State and perused the material placed on record.

Notices to respondent nos. 2 to 4 are hereby dispensed with.

By means of the present petition the petitioners have assailed the order dated 27.09.2023 passed by the Deputy Director Consolidation, Unnao in Writ Petition No. 736 of 2023, Arjun Vs. Shree Keshan and others, Writ Petition No. 735 of 2023, Rajesh Vs. Shree Keshan and others) and Writ Petition No. 734 of 2023, Sohan Lal Vs. Shree Keshan and others.

Contention of the learned counsel for the petitioners are that at the very inception the Consolidation Officer settled the chaks of the petitioners as well as the respondents as there were two boring of each parties over the land in question. After order passed by the Consolidation Officer, the same was assailed before the Settlement Officer Consolidation by way of instituting an appeal which was decided on 24.05.2023, whereby the order passed by the Consolidation Officer was upheld. He further submits that thereafter the order dated 24.05.2023 was challenged before the Deputy Director Consolidation in the three revisions, which were decided vide order dated 27.09.2023, those are under challenge before this Court.

Contention of the learned counsel for the petitioners in nut and shell is that the Consolidation Officer has rightly passed the order while settling the chaks of the petitioners as well as the respondents on the ground that there are two boring on the chaks of both the parties and therefore the chaks were allotted to both the parties.

He added that even after the dispute was settled by the

Settlement Officer Consolidation by a detailed order while upholding the order passed by the Consolidation Officer, the Revisional Court ignored the same and has passed the order wherein, the findings are perverse. He submits that the fact with respect to the boring over the land in question on the account of which the chaks were allotted, have not even been discussed by the Revisional Court. He also added that even the concurrent finding by the Court below as well as the Appellate Court were recorded but the same is ignored by the Revisional Court. He also added while drawing attention to the annexure no.SA 1 of the supplementary affidavit which is Aakar Patra 2-A and pointed out that in column no. 10 and 19, the entry of the boring of the parties concerned are very well mentioned. Thus, submission is that the impugned order dated 27.09.2023 is unsustainable.

On the other hand, the learned counsel appearing for the State objected the aforesaid contentions but could not rebut the fact that the finding with respect to the allotment of the chaks on the premises of the boring in each chaks of the parties, which were settled by the stage of Consolidation Officer as well as the Settlement Officer, was not discussed and no finding was recorded.

Considering the submissions of the learned counsel for the parties, it transpires that the petitioners are the private respondents were allotted the chak on the basis of the entries made in form 2-A as the same shows two borings on the chaks of the petitioner and respondents. This fact was considered by the Consolidation Officer as well as the Settlement Officer Consolidation and the orders were passed in favour of the private respondents, whereas from perusal of the order of the Revisional Court, it transpires that the same was ignored and perverse finding was recorded. Further, the learned Revisional Court has ignored the concurrent finding of the Court below as well as the Appellate Court. Therefore, the Revisional Order is not sustainable in the eyes of law and is hereby set-aside.

Matter is remitted back to the Revisional Court concerned to decide the matter afresh, while affording opportunity of hearing to all the parties concerned within a period of three months, if possible.

With the aforesaid observations, the instant petition is hereby **allowed**.

Order Date :- 30.11.2023

Anurag