

Court No. - 18

Case :- WRIT - B No. - 1026 of 2023

Petitioner :- Ram Kumar And Another

Respondent :- State Of U.P. Thru. Addl./ Prin. Chief Secy.
Revenue, Lko. And Others

Counsel for Petitioner :- Mohd. Mansoor, Mohammad Danish

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

Hon'ble Shree Prakash Singh, J.

1. Heard Sri Mohd. Mansoor, learned counsel for the petitioners, Sri Chandra Bhanu Singh, learned counsel for the caveator as well as Sri Badrish Tripathi, learned Additional Chief Standing Counsel appearing for the State and perused the material placed on record.

2. By way of filing the instant petition, the petitioners have assailed the order dated 25.10.2023 passed by the Deputy Director, Consolidation/Additional District Magistrate (F/R), Raebareli, in connected Revision No.95, under section 48 of the Consolidation of Holdings Act, 1953.

3. Counsel for the petitioners submits that the order dated 25.10.2023 is erroneous and perverse which is apparent from the findings recorded by the court. He also added that the order impugned is not sustainable in the eyes of law.

4. He added that the order passed by the Consolidation Officer as well as the Settlement Officer Consolidation is still in existence as the same was not set aside in the order passed by the revisional court and the record of the court of the Settlement Officer Consolidation as well as Consolidation Officer was not summoned, while passing the impugned order.

5. On the other hand, learned State counsel on the basis of instructions submits that due to technical error in the order, the order for setting aside the impugned orders could not be mentioned by the revisional court and thus he has failed to rebut the contentions of learned counsel for the petitioners.

6. In view of the aforesaid, the order dated 25.10.2023 passed by the opposite party no.2, i.e., Deputy Director of

Consolidation/ Additional District Magistrate (F/R) District-Raebareli, in respect of Revision No.95 only, is **set aside** and the matter is remitted back to the revisional court concerned to pass a fresh order, affording opportunity of hearing to all the parties concerned, within a period of three months from the date of this order, in accordance with law.

7. With the aforesaid observation, the instant petition is hereby **allowed**.

Order Date :- 28.11.2023

Manoj K.