

Court No. - 18

Case :- WRIT - B No. - 1063 of 2023

Petitioner :- Manoj Kumar And Another

Respondent :- District Deputy Director Of Consolidation, Ayodhya And Others

Counsel for Petitioner :- Ganga Prasad Mishra

Counsel for Respondent :- C.S.C., Umesh Kumar Pandey

Hon'ble Shree Prakash Singh, J.

1. Heard Shri Ganga Prasad Mishra, learned counsel for the petitioners, Shri Umesh Kumar Pandey, learned counsel for respondent no.3, Shri Akhilesh Tripathi, learned Additional Chief Standing Counsel for the State-respondents and perused the material on record.

2. The instant petition has been filed with the following reliefs:-

"(i) Issue a writ order of direction in the nature of Certiorari there by quashing the impugned order dated 27.10.2023 passed by opp. Party no.2 as contained in Annexure No.1 to this writ petition, in the interest of justice.

(ii) Issue a writ order or direction in the nature of Mandamus there by transferred revision no.2483/2023 Jhingru & others versus Manoj Kumar & others U/S 48 (1) U.P.C.H. act relating to village Laxmanpur Grant, Pargana- Paschim Rath, Tehsil- Bikapur, District- Ayodhya pending in the court of deputy director of Ayodhya (opp. Party no.1) to any other competent court as Contained in Annexure No.1 to this writ petition, in the interest of justice."

3. Contention of the counsel for the petitioners is that he has moved the transfer application before the District Collector, which was rejected vide order dated 27.10.2023 and the matter is still pending before the Deputy Director of Consolidation as Revision No.2483 of 2023 (*Jhingru & others Vs. Manoj Kumar & others*). He submits that there is no hope of justice from the Revisional Court to the petitioners as the Revisional Court is biased with the petitioners and it is apprehended that the Revisional Court would pass the order against the petitioners. He has also added that he has made the grounds in the transfer application which was moved before the District Magistrate but

the same was not considered and rejected out-rightly and therefore the order passed by the District Magistrate may be set aside and the matter may be transferred from the court of the Deputy Director of Consolidation to another court.

4. On the other hand, the counsel appearing for the private respondents has vehemently opposed the aforesaid contentions and it is submitted that the false and vague allegations have been levelled in the application for transfer moved before the District Magistrate and thus the same was rightly rejected.

5. The State Counsel submits that in fact there is no ground for transfer of the matter from the court of the Deputy Director of Consolidation to another court and the baseless allegations have been levelled and thus the writ petition is liable to be dismissed.

6. Considering the submission of learned counsel for the parties and after perusal of material placed on record, it transpires that the transfer application was moved before the District Magistrate and the same was rejected and the grounds taken in the transfer application before the District Magistrate as well as the grounds taken in the writ petition are vague and no substantial evidence is adduced.

7. The coordinate bench of this court has settled this issue in Writ-B No.1885 of 2023 (*Dharmendra Singh Vs. State of U.P. and Others*) and held that the transfer petition based on a vague assertion and without any substantial evidence cannot be a basis for the transfer of case from one court to another. Thus, this Court is of the considered opinion that there is no merit in the petition and the same is hereby **dismissed**.

8. No order as to costs.

Order Date :- 30.11.2023/Mohd. Sharif