

Court No. - 20

Case :- WRIT - B No. - 1142 of 2023

Petitioner :- Anil Kumar

Respondent :- State Of U.P. Thru. Collector, Barabanki And Others

Counsel for Petitioner :- Santosh Kumar Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner and learned State Counsel for opposite party nos. 1 to 3. In view of order being passed, notices to opposite party nos. 4 to 19 stands dispensed with.

It has been submitted that appeal under Section 11(1) of the U.P. Consolidation of Holdings Act had been filed by petitioner along with seven other appellants, some of whom have been arrayed as proforma opposite parties in the present writ petition. It is submitted that by means of order dated 12.09.2022, the aforesaid appeal No. 657 of 2022 has been decided against the appellant.

Learned counsel submits that against the order dated 12.09.2022 , a recall application dated 06.11.2023 has been filed indicating the fact that the order dated 12.09.2022 in fact has been passed against a party which was dead since Vinod Kumar, appellant no. 4 had already passed away on 17.01.2022.

It is submitted that aforesaid recall application is yet pending consideration without any final order having been passed thereupon and in the meantime subsequent proceedings are going on in pursuance of the order 12.09.2022 and therefore orders are required to be passed thereupon.

Considering submissions advanced by learned counsel for petitioner and upon perusal of material on record, it is evident that petitioner along with other appellants have clearly indicated in the recall application that the appellant no. 5 had already passed away prior to passing of the ex-parte order dated 12.09.2022. The application is pending consideration for more than a month now and therefore the opposite party no. 2 i.e. Settlement Officer, Consolidation District Barabanki is directed to decide the recall application filed in appeal No. 657 of 2022 expeditiously, within a period of four weeks from the date a certified copy of this order is brought on record of proceedings.

With the aforesaid directions, petition stands **disposed of**.

Order Date :- 19.12.2023

Satish