

Court No. - 18

Case :- WRIT - B No. - 1163 of 2023

Petitioner :- Rakesh Kumar Pal @ Rakesh Kumar

Respondent :- Deputy Director Of Consolidation, Sultanpur And Others

Counsel for Petitioner :- Ankit Singh, Aman Kumar Shrivastav

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

Hon'ble Shree Prakash Singh, J.

1. Shri Hemant Pandey, learned counsel appearing for the State has pointed out that the consolidation proceeding has already been completed and Section 52 of the Act, 1953 has already been published on 10.05.1969 and thus, submission is that the Deputy Director Consolidation cannot exercise power under Section 42A of the Act, 1953.

2. On the other hand, learned counsel appearing for the petitioner submits that the petitioner may be permitted to withdraw the instant petition with liberty to move an application under Section 38 of the U.P. Revenue Code, 2006 (hereinafter referred to as 'Code, 2006').

3. The Counsel appearing for the State has no objection.

4. In view of the aforesaid innocuous prayer, the instant petition is hereby **disposed of** with liberty to the petitioner to move an application under Section 38 of the Code, 2006. It is further provided that if the petitioner moved such application within period of three weeks before the authority concerned, the revenue authority shall consider and decide the same within further period of three months from such date, after affording opportunity of hearing to all the parties concerned, in accordance with law, if there is no legal impediment.

Order Date :- 21.12.2023/Mohd. Sharif