



2024:UHC:9850

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS No. 3240 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> Mr. Kurban Ali, Advocate for the petitioners. 2. Mr. Rajesh Pandey, Standing Counsel for the State of Uttarakhand/ respondent no. 1. 3. Mr. M.S. Tyagi, Senior Advocate, assisted by Mr. Prabhakar Narayan, Advocate has put in appearance on behalf of respondent no. 2. The Vakalatnama filed by learned Senior Counsel before this Court is taken on record. 4. Petitioners are aggrieved by order dated 09.12.2014, passed by Consolidation Officer, Roorkee, in proceedings under Section 9A(2) of the Consolidation of Holdings Act, 1953 (hereinafter referred to as 'the Act'). They are also aggrieved by order passed by Settlement Officer, Consolidation dated 24.02.2021 & the judgment and order passed by Deputy Director, Consolidation, Haridwar, on 08.10.2024. 5. By the order dated 09.12.2014, Consolidation Officer had directed the parties to maintain status quo and also not to create any third party interest over the land in question. Petitioners' appeal against said order was dismissed by Settlement Officer, Consolidation on the ground of maintainability. The revision petition filed by petitioners was also dismissed by Revisional Court on the ground of maintainability. Thus, feeling aggrieved, petitioners have approached this Court. 6. Learned counsel for petitioners contends that the application filed by petitioners under Section 9A(2) of the Act was decided in their favour by Consolidation Officer,



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		Roorkee, vide judgment dated 16.08.2014. Against the said order, respondent no. 2 filed a restoration application along with delay condonation application, and the Consolidation Officer passed an interim order on the said restoration application, on 09.12.2014, without condoning the delay in filing application. Thus, he submits that the order passed by Consolidation Officer on 09.12.2014, is unsustainable in the eyes of law. 7. Learned counsel appearing for respondent no. 2, however, submits that petitioners suppressed the fact that two suits are pending between petitioners and respondent no. 2 before the Consolidation Officer, which are numbered as 157 & 158 and those two suits were also in respect of same land holding regarding the same khata no. 20. He submits that petitioners obtained an order in their favour from the Court of Consolidation Officer by misrepresentation of facts. 8. Learned counsel for petitioners, however, disputes the said submission and submits that the earlier suits pending between the parties are in respect of different cause. 9. Since, the restoration application filed by respondent no. 2 is pending before Consolidation Officer, and only an interim order was passed on the said application, therefore, this writ petition is disposed of by directing the Consolidation Officer to consider prayer for restoration made by respondent no. 2, within eight weeks from the date of production of certified copy of this order. It shall be open to petitioners to file objection against restoration application, within three weeks from today. (Manoj Kumar Tiwari, A.C.J.) 23.12.2024 Navin
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