

Court No. - 4

Case :- WRIT - B No. - 669 of 2024

Petitioner :- Kamla Devi And Another

Respondent :- Settlement Officer Of Consolidation, Pratapgarh And Others

Counsel for Petitioner :- Prabhakar Nath Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Subhash Chandra Sharma,J.

Heard learned counsel for the petitioner as well as learned standing counsel and perused the material on record.

The present writ petition has been filed with prayer to issue a writ, order of direction in the nature of **Certiorari** to quash the impugned ex-parte order dated 07.06.2024 passed by the opposite party no.1 in appeal no.0465/2024 (Prabhat Ranjan and others vs. Kamla Devi and another).

It is submitted by learned counsel for the petitioner that an appeal was filed before the learned court of S.O.C. against the order passed by C.O. on 03.05.2024. With the appeal stay application was also filed by the appellant on which no order was passed on the date of filing of appeal though the petitioner/respondent already filed caveat and was also present before the learned court but in his presence no order was passed. Thereafter, on 07.06.2024 without giving an opportunity of hearing to the petitioner the operation of the order dated 03.05.2024 was stayed ex-parte by the learned court of S.O.C. against which he has filed the present writ petition before this Court and request to set aside the order passed by learned S.O.C. on 07.06.2024 without giving an opportunity of hearing to him.

Learned standing counsel opposed the prayer as aforesaid and contended that in this case the petitioner has an option to move objection/application before the learned court of S.O.C. where date is fixed for hearing on 03.07.2024 and the matter will be considered and appropriate order will be passed by the learned court concerned in accordance with law.

Considering the facts and circumstances of the case, submissions made by learned counsel for the petitioner as well as learned standing counsel and from the perusal of record, it is expedient to direct the petitioner to move objection/application

before the learned S.O.C. within a period of one week which will be heard and decided by the learned court concerned within a period of **15 days** in accordance with law, after giving an opportunity of hearing to the parties.

Accordingly, this petition is ***disposed of*** finally with the above direction.

Order Date :- 26.6.2024

Ashok Gupta