Court No. - 8

Case :- WRIT - B No. - 1205 of 2024

Petitioner :- Manju Awasthi
Respondent :- Deputy Director Of Consolidation, Unnao And Another
Counsel for Petitioner :- Har Bansh Singh
Counsel for Respondent :- C.S.C.

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the petitioner. Notice on behalf of respondent no. 1 has been accepted by the office of the learned Chief Standing Counsel.

The petitioner by means of the instant petition assails the order passed by the Deputy Director of Consolidation dated 21.02.2023.

The limited contention is that from the chak granted to the petitioner, a Nali has been carved out which has caused injustice to the petitioner.

Considering the aforesaid, and noticing that the order dated 21.02.2023 is being assailed after almost a year and a half.

It was specifically put to the learned counsel for the petitioner as to whether the laches have been explained to which it has been pointed out that the laches have been explained in paragraphs 10 and 11 of the petition.

Having taken note of the aforesaid and for better appreciation of paragraph nos. 10 and 11 of the petition is being reproduced hereinafter:-

"10. That the impugned order was passed on 21.02.2023 and the petitioner is a poor lady having no source of income anyhow arranged the money and contacted to the present counsel on 24.11.2024 and handed over the file and instructed to file the writ petition.

11. That immediately the instant writ petition is being filed prepared and the same is filed today without causing any further delay in the matter as such the delay in filing the instant writ petition deserves to be condoned in the interest of justice. "

Taking note of the aforesaid, this Court finds that the laches have not been appropriately explained. The ground given is completely vague and there is no averment which can indicate

the due diligence, inasmuch, the petitioner is said to be a poor lady having no source of income, however, in the affidavit filed in support of the petition, the petitioner is shown as the housewife and she is literate as well. There is nothing on record to indicate as to what is the vocation of her husband and under circumstances the petitioner claims that she has no money has also not been brought on record. Apart from the fact that the order impugned is also incomplete as it does not have the amended table which was made part of the order dated 21.03.2023.

Even otherwise, the Court has considered the reasoning given by the Deputy Director of Consolidation which does not appear to be arbitrary or that a false foul of the provisions of Section 19 of the U.P. Consolidation of Holdings Act, 1953 and the rules framed therein under U.P. Consolidation of Holdings Rules, 1954.

Accordingly, for all the aforesaid reasons, the present petition is ***dismissed*** both on account of laches as well as on merits.

Order Date :- 4.12.2024
Asheesh

Digitally signed by :-
ASHEESH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench