

Court No. - 36

Case :- WRIT - B No. - 1360 of 2018

Petitioner :- Ram Nayan And 5 Others

Respondent :- Dy. Director Of Consolidation And 2 Others

Counsel for Petitioner :- Sanjay Kumar,Rakesh Prasad,Sanjay Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sunita Agarwal,J.

Supplementary affidavit filed today is taken on record.

The order passed by the Revisional Court dated 23.10.2017 is under challenge in the present petition with the assertion that the revisionist namely respondent No.3 Chakholder No.1432 has no concern with Plot No.74 which is original holding of the petitioners and other co-tenureholder namely Radhey. The C.H. Form 23 of the co-sharers of the petitioners and respondent No.3 has been brought on record by means of the supplementary affidavit filed by the petitioners today in order to substantiate this submission. With reference to the order passed by the Settlement Officer Consolidation dated 18.1.2014, it is submitted by the learned counsel for the petitioners that the Appellate Court has made adjustment looking to the demands raised by the petitioners and other co-tenureholder namely Radhey (Chakholder No.1250) considering the fact that Plot No.74 was their original holding.

There was no occasion for the Revisional Court to make any disturbance in the arrangement made by the Appellate Court.

The matter requires consideration.

issue notice to respondent No.3 returnable at an early date.

Steps to be taken within one week by both ways i.e. by ordinary process as well as Registered Post A.D.

List on the date fixed in the notice.

Till the next date of listing, the effect and operation of the order dated 23.10.2017 passed by the Deputy Director of Consolidation, Gorakhpur in Revision No.898 of 2016/17 (Ram Briksh v. Ram Nayan & Ors.) shall remain stayed. The parties shall maintain status quo with regard to the nature and possession over the land in question. They shall not alienate or create any third party right over the same in any manner.

Order Date :- 13.3.2018

Jyotsana