

Court No. - 36

Case :- WRIT - B No. - 516 of 2018

Petitioner :- Rajendra Singh And 5 Others

Respondent :- Dy. Director Of Consolidation And 7 Others

Counsel for Petitioner :- Jadu Nandan Yadav, Arimardan Yadav

Counsel for Respondent :- C.S.C., Brij Kumar Yadav

Hon'ble Mrs. Sunita Agarwal, J.

Supplementary affidavit filed today is taken on record.

The order passed by the Deputy Director of Consolidation, Kannauj dated 14.12.2017 in rejection of Section 5 application in revision filed against the order dated 9.8.1990 is under challenge on the ground that the Consolidation Officer had abused his jurisdiction in altering with the chak allotted to the petitioners in exercise of powers under Section 42-A of the U.P. Consolidation of Holdings Act, 1953.

It is contended that by means of the impugned order dated 9.8.1990, the plot nos. 988 and 1006 which were allotted to the petitioners for the installation of tube well had been given to respondent nos. 4 and 7. As a result of the said allotment, the petitioners had been deprived of their tube well which was installed by their father Jamadar before the village underwent consolidation. The application under Section 5 of the Limitation Act had been rejected on technical grounds.

The matter requires consideration.

Issue notice to respondent nos. 4 to 8 returnable at an early date.

Steps be taken within one week by both ways i.e. ordinary process as well as registered post A.D.

Sri Brij Kumar Yadav, learned counsel has put in appearance on behalf of respondent no. 3. Learned Standing Counsel appears for respondent nos. 1 and 2.

All the respondents may file their counter affidavit.

List this matter on the date fixed in the notice.

Till the next date of listing, status quo with regard to the position on the spot shall be maintained by the parties.

Order Date :- 18.1.2018

Brijesh