

Court No. - 68

Case :- WRIT - B No. - 302 of 2020

Petitioner :- Smt. Sushobhit Chapala

Respondent :- Deputy Director Of Consolidation And 11 Others

Counsel for Petitioner :- Yogendra Kumar, Sri P.N. Saxena, Senior Advocate

Counsel for Respondent :- C.S.C., Vibha Srivastava

Hon'ble Saumitra Dayal Singh, J.

1. Heard Shri P.N. Saxena, learned Senior Advocate, assisted by Shri Yogendra Kumar, Advocate, for the petitioner; Shri A.K. Srivastava and Ms. Vibha Srivastava, learned counsel for respondent no.3 and Shri Ajit Kumar Singh, learned Standing Counsel for the State respondents.

2. Principal submission advanced by learned Senior Counsel for the petitioner is that in the proceedings under the U.P. Consolidation of Holdings Act, 1953, no objection came to be filed by the private respondents under Section 9 of the said Act. The only objection was filed by Nokhai, which was rejected and the appeal therefrom is pending since 1983. Meanwhile, upon notification under Section 52 issued, such consolidation proceedings, stand concluded. At this belated stage, the respondents could not have been permitted to file an appeal, merely because the other appeal filed by Nokhai, who was the original objector, is still pending.

3. Matter requires consideration.

4. Issue notice to respondent nos. 4 and 5, fixing an early date.

5. All respondents are granted four weeks' time to file counter affidavit. The petitioner shall have two weeks thereafter to file rejoinder affidavit.

6. Till the next date of listing, the operation and effect of the order dated 15.06.2018 passed by the Settlement Officer, Consolidation and the order dated 14.11.2019 passed by the Deputy Director of Consolidation, shall remain stayed.

7. However, parties shall maintain status quo as on date.

Order Date :- 7.2.2020

AHA