

Court No. - 21

Case :- WRIT - B No. - 345 of 2020

Petitioner :- Ram Sewak And Another

Respondent :- Deputy Director Of Consolidation, Kushinagar
And 4 Others

Counsel for Petitioner :- Prashant Sharma, M J Akhtar, Onkar
Nath Vishwakarma, Praveen Kumar

Counsel for Respondent :- C.S.C., Pramod Kumar
Maurya, Ram Sheel Sharma, Satendra Kumar Singh

Hon'ble Dinesh Pathak, J.

Heard Sri V. M. Zaidi, learned Senior Counsel assisted by Sri M. J. Akhtar, learned counsel for the petitioners, learned Standing Counsel for the State and Sri P. R. Maurya, learned counsel for respondent nos. 4 and 5.

Sri V. M. Zaidi, learned senior counsel appearing for the petitioners submitted that Consolidation Officer, Hata, Kushinagar- respondent no. 3 passed an ex parte order dated 12.3.1975 with respect to several objections, aggrieved against which an appeal was preferred by Smt. Jokhani and Sonekesiya being appeal no. 54/58 before Settlement Officer of Consolidation - respondent no. 2 which was dismissed vide order dated 29.4.2008 with an observation that order impugned therein was not an order. Aggrieved, the present petitioners filed a revision being revision no. 527/672 before Deputy Director of Consolidation, Kushinagar - respondent no. 1, which was allowed vide order dated 24.4.2018, however, subsequently this order was recalled by respondent no.1 vide its order dated 16.7.2019. Respondent no. 1 again passed an order dated 28.12.2019, which is also impugned herein, dismissing the revision filed by the petitioners on the ground of laches. It is submitted that the chak nos. 63 and 252 have illegally been adjusted to the chak of contesting respondents, who are not entitled.

Per contra, Sri P. R. Maurya, learned counsel appearing for contesting respondent states that the Consolidation Officer has rightly allotted chak to the respondent by a common order dated 12.3.1975. He states that respondent nos. 4 and 5 are in possession of the land in question on the basis of order dated 12.3.1975 and after consolidation proceedings, C.H. Form 45 has been prepared and issued in the name of contesting respondents.

Having heard learned counsel for the parties and upon perusal

of records, it appears that the matter requires consideration.

Learned counsel for the contesting respondents prays for and is granted three weeks' time to file counter affidavit. The petitioners will have two week's thereafter to file rejoinder affidavit, if any.

List this matter on 25.10.2021.

Till the next date of listing, parties are directed to maintain status quo on the spot as of now.

Order Date :- 24.8.2021

Kuldeep