

Court No. - 18

Case :- WRIT - B No. - 49472 of 1999

Petitioner :- Harish Chandra Singh And Others

Respondent :- Dy. Director Of Consolidation And Others

Counsel for Petitioner :- P.N.Kushwaha,Rakesh Singh

Counsel for Respondent :- C.S.C.,D.B. Yadav,K.S. Yadav,R.S. Srivastava

Hon'ble J.J. Munir,J.

This writ petition is directed against the order of the Deputy Director of Consolidation dated 16.06.1999 passed in Revision No. 752 whereby revision filed by the State has been admitted to hearing. The submission of the learned counsel for the petitioner is that relating to the same issue and against the same order of the Chakbandi Officer, as impugned in the present revision, the *Gaon Sabha* had earlier filed Revision No. 20/62/318 which was heard and dismissed on merits by the Deputy Director of Consolidation, Ghazipur.

It is submitted that the petitioners' rights upheld by the Consolidation Authorities earlier have also been declared in a suit under Section 229-B U.P.Z.A.&L.R. Act filed against the *Gaon Sabha*. It is submitted that admitting to hearing revision by the State against the same impugned order of the Chakbandi Officer dated 15.07.1994, amounts to an abuse of process of Court and detracts from the principle of finality.

This petition was entertained by an order dated 26.11.1999 and notice pending admission was issued. By a separate order of that date operation of the impugned order dated 16.06.1999 was stayed. A counter affidavit has been filed by private counsel Sri K.S. Yadav and Sri D.B.Yadav on behalf of the *Gaon Sabha*.

The learned counsel may seek proper instructions to represent the *Gaon Sabha*, if he wants to be heard, in accordance with the relevant provisions of the *Gaon Sabha* Manual. No other affidavits have been filed.

Admit.

The State-respondent No. 3 represented by the Collector, Ghazipur is granted two weeks and no more time to file a counter affidavit.

List this petition for orders on 2nd August, 2019 alongwith a status report about pleadings.

The interim order dated 26.11.1999 is made absolute.

Let this order be communicated to the Collector, Ghazipur by Sri R.P. Ram, learned Standing Counsel appearing for the State of U.P., who will be furnished a copy of this order within 48 hours.

Order Date :- 18.7.2019

BKM/-