

**Court No. - 36**

**Case :-** WRIT - B No. - 3185 of 2018

**Petitioner :-** Ram Lal

**Respondent :-** Deputy Director Of Consolidation And 2 Others

**Counsel for Petitioner :-** Satendra Kumar Singh

**Counsel for Respondent :-** C.S.C.,Keshari Nath Tripathi

**Hon'ble Mrs. Sunita Agarwal,J.**

The chak adjustment made by the Consolidation Officer and the Revisional Court on an objection filed by the respondents 2 and 3 is under challenge on the ground that the petitioner has been deprived of Plot No.29/1 which was the plot of original holding of the petitioner. It is submitted that the petitioner and respondents 2 and 3 are the co-tenureholders of Plot No.29/1 total area of which is 0.923 Hectares. Out of the same, 1/3rd share i.e. an area of 0.304 Hectares falls within the share of the petitioner whereas the share of respondent Nos.2 and 3 is only 1/12th each which comes to approximately 0.076 Hectares.

From C.H. Form 23, it is demonstrated by learned counsel for the petitioner that the Assistant Consolidation Officer had proposed two chaks comprising of Plot Nos.29/1 M and 136/2 M to the petitioner looking to the fact that common boring/tubewell is existing in Plot No.29/1. Attention of the Court is invited to C.H. Form 2-A Page '37' of the paper book to substantiate that the tubewell/source of irrigation existing in Plot No.29/1 is common to the family of the co-tenureholders including the petitioner/respondent Nos.2 and 3.

It appears that the Consolidation Officer had deprived the petitioner of Plot No.29/1 without looking to the position as mentioned in the C.H. Form 2-A.

The Revisional Court has also committed the same error.

The matter requires consideration.

Shri Subedar Mishra, learned counsel holding brief of Shri K.N. Tripathi, learned counsel for the respondents 2 and 3 prays for and is granted three weeks time to file counter affidavit. One week, thereafter, is granted to file rejoinder affidavit.

List this matter after expiry of the period of four weeks.

Till the next date of listing, the effect and operation of orders dated 31.12.2016 passed by the Revisional Court in Revision No.176/428/835 (Om Prakash v. Ram Lal) and Revision No.177/429/836 (Dal Chandra v. Ram Lal) shall remain stayed. The parties shall maintain status quo with regard to the nature and possession over the land in question and shall not interfere in each others possession and cultivation of the lands in question.

**Order Date :-** 14.3.2018

Jyotsana