

Court No. - 9

Case :- WRIT - B No. - 1364 of 2021

Petitioner :- Babu Lal And 14 Others

Respondent :- Deputy Director Consolidation And 6 Others

Counsel for Petitioner :- Deepak Kumar Jaiswal, Omkar Nath Rai

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai, J.

The present writ petition has been filed by the petitioners challenging the order dated 8.4.2021 passed by the Deputy Director of Consolidation (***hereinafter referred to as D.D.C***) modifying the allotment of Chaks made by the Consolidation Officer vide his order dated 16.5.1980.

It has been argued by the counsel for the petitioners that the revision against the said order was filed in 2009 and by the said date the parties had settled on their Chaks as allotted by the Consolidation Officer vide his order dated 16.5.1980 and the petitioners had constructed their house over the plot allotted to them but the D.D.C without considering the aforesaid aspect condoned the delay in filing the revision which could not have been condoned as the rights of the parties had already settled.

The matter requires consideration.

The Standing Counsel represents respondent nos.1 & 2.

Issue notice to respondent nos. 3 to 7 through registered post with acknowledgement due for which steps shall be taken by counsel for the petitioners within 10 days from today.

If, steps are taken, office shall proceed to issue notice fixing any date after eight weeks by which date, the respondents may file their counter affidavit. The petitioner shall have four weeks thereafter to file his rejoinder affidavit.

List before the Registrar who shall fix any date for admission after counter affidavit and rejoinder affidavit have been filed by the parties. The Registrar may, if necessary, grant further opportunities to the parties to file their affidavits but not more than two further opportunities shall be granted by the Registrar.

Meanwhile, the operation of the order 8.4.2021 passed by the D.D.C i.e., respondent no. 1 in Revision Nos.505

and 526 shall remain stayed and the parties shall not alienate or transfer or in any other manner create any third party rights in the disputed plots.

Order Date :- 2.9.2021

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