

Court No. - 5

Case :- WRIT - B No. - 1568 of 2021

Petitioner :- Ashok Kumar Singh And Another

Respondent :- Deputy Director Of Consolidation And 4 Others

Counsel for Petitioner :- Ram Dayal Tiwari, Sr. Advocate

Counsel for Respondent :- C.S.C., Adya Prasad Tewari

Hon'ble Dinesh Pathak, J.

Heard Sri M.D. Singh 'Shekhar', senior Advocate assisted by Sri Vaibhav Goswami, learned counsel for the petitioners, Sri A.P. Tiwari, learned counsel for the contesting respondent nos. 4 and 5 and learned Standing Counsel representing respondent nos. 1 to 3.

Grievance of the petitioners is that all the three consolidation courts have illegally discarded the claim of the petitioners on the basis of the compromise dated 16.5.1990 which took place between Shaila Devi (Predecessor in interest of the petitioners) and Ramdhani (Predecessor in interest of respondent no. 4).

It is submitted that the Deputy Director of Consolidation has not given any specific finding questioning the compromise dated 16.5.1990 which took place between the parties. It is further submitted that vide order dated 16.5.1990, the aforesaid compromise was taken on record and the Consolidation Officer has specifically observed that Ramdhani had been identified by his counsel Sri Surendra Narain, Advocate and Shaila Devi had been identified by Sri Arun Kumar Srivastava, Advocate. It is further submitted that vide order dated 29.4.2019, passed by this Court in Writ-B No. 937 of 2019, it was left open for the petitioners to raise objection qua the finality of the order dated 13.6.1990, but the same has not properly been considered by the revisional court in the order under challenge.

Per contra, learned counsel for the caveator has contended that order dated 13.6.1990 has already been set aside by the Settlement Officer of Consolidation vide its remand order dated 27.2.2015, therefore, same cannot be reopened at this stage. It is further contended that the alleged compromise order dated 13.6.1990 is forged and fictitious order.

Matter requires consideration.

List this matter on 22.2.2022. In the meantime, parties are directed to exchange their respective affidavits.

Till the next date of listing, parties are directed to maintain status quo with respect to the possession and nature of the land in question.

Order Date :- 6.1.2022
S.K.S.