

**Court No. - 48**

**Case :-** WRIT - B No. - 4262 of 2023

**Petitioner :-** Govind And 5 Others

**Respondent :-** Dy. Director Of Consolidation And 10 Others

**Counsel for Petitioner :-** Kanhaiyalal Bind

**Counsel for Respondent :-** C.S.C., Bhupendra Kumar  
Tripathi, Hirdesh Kumar Yadav, Sushma Yadav

**Hon'ble Dinesh Pathak, J.**

1. It has been submitted that the Consolidation Officer has passed order dated 20.12.2004 sans opportunity of hearing to the present petitioners on the application moved by Tihuly (father of respondents No. 6 to 9). Plea of opportunity of hearing has specifically been taken before the Settlement Officer of Consolidation and Deputy Director of Consolidation, however, same has not illegally been addressed. It is further submitted that perusal of the sketch map depicted at the foot of the application dated 14.8.2001 under Section 20 of UP Consolidation of Holdings Act reveals that the chak of the present petitioners has illegally been sought for to shift towards the back side, which has been allowed, therefore, findings returned by the Settlement Officer of Consolidation and Deputy Director of Consolidation to that extent, considering the chak of the petitioner abutting the road, is perverse and illegal.

2. The matter requires consideration.

3. Respondents No. 1 to 5 are represented through learned Standing Counsel. Respondents No. 6 to 11 are also being represented through their counsel. They have prayed for and are granted three weeks' time to file counter affidavit in the matter. The petitioners will have two weeks, thereafter, for filing rejoinder affidavit, if any.

4. List this matter on 19.2.2024.

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

**Order Date :-** 9.1.2024

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