

Court No. - 49

Case :- WRIT - B No. - 3346 of 2024

Petitioner :- Durgesh Mani And 4 Others

Respondent :- Deputy Director Of Consolidation And 7 Others

Counsel for Petitioner :- Pramod Kumar Singh, Satendra

Kumar Singh, Suresh Chandra Varma

Counsel for Respondent :- C.S.C., Pankaj Kumar

Gupta, Santosh Singh

Hon'ble Dinesh Pathak, J.

1. The petitioners are aggrieved with the order passed by the Deputy Director of Consolidation whereby claim of the petitioners on the basis of succession over the property of Ram Pyare has illegally been discarded and, simultaneously, claim of respondent No. 4 on the basis of registered will deed dated 24.7.2002 said to have been executed by Dhanpati wife of Ram Pyare has been acknowledged. It has been submitted that concurrent finding of fact returned by the Consolidation Officer and Settlement Officer of Consolidation, questioning the genuineness of the alleged will deed dated 24.7.2002, has not properly been considered and reversed by the Deputy Director of Consolidation, who has decided the matter in a very perfunctory manner illegally relying upon the alleged will deed said to have been executed in favour of respondent No. 4.

2. The matter requires consideration.

3. Respondents No. 1 and 2 are represented through learned Standing Counsel. Respondent No. 3, Gaon Sabha and respondent No. 4 are represented through their respective counsel as well.

4. Issue notice to respondents No. 5 to 8 fixing 25.10.2024 as the date.

5. In the meantime, both the parties are directed to exchange their respective affidavits.

6. Till the next date of listing, parties are directed to maintain status quo, as on today, with respect to the nature and possession over the property in question.

Order Date :- 4.9.2024

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