

Court No. - 50

Case :- WRIT - B No. - 3641 of 2024

Petitioner :- Madhusudan Pandey And 3 Others

Respondent :- Deputy Director Of Consolidation And 7 Others

Counsel for Petitioner :- Alok Kumar Yadav, Anmol Kumar Dubey

Counsel for Respondent :- Bhupendra Kumar Tripathi, C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Alok Kumar Yadav, learned counsel for the petitioners, Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent No.8-Gram Sabha and Mr. T.P. Gupta, learned Standing Counsel for the State-respondents.

2. Learned counsel for the petitioners submitted that proceeding under Section 48 (3) of U.P.C.H. Act in respect to the petitioners' bhumidhari plot No.53, 71 and 72 cannot be entertained. He submitted that village has already been denotified under Section-52 of U.P.C.H. Act, on 08.02.1986. He further submitted that on the basis of the ex parte report submitted in the proceeding, the impugned order has been passed by the Deputy Director of Consolidation which can not be sustained in the eye of law.

3. Matter requires consideration as to whether impugned order under Section 48 (3) of U.P.C.H. Act can be passed by the Deputy Director of Consolidation on the basis of the ex parte report submitted in the proceeding as well as after denotification of the village which took place on 8.2.1986.

4. Issue notice to respondent Nos.2 to 7 returnable at an early date.

5. Steps be taken within two weeks.

6. All the respondents including State and Gram Sabha shall file counter affidavit within six weeks.

7. Rejoinder affidavit can be filed within two weeks thereafter.

8. List this matter on 22.1.2025.

9. Until further orders of this Court, effect and operation of the impugned order dated 05.04.2024 passed by respondent No.1/ Deputy Director of Consolidation shall remain stayed.

Order Date :- 23.11.2024/PS*