

THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 320 of 2006

Aqil Ahmad S/O Shri Mohd. Mohseen,
R/O Mohala Qila Manglore, Kassba Manglore,
Pargana Manglore, Tehsil Roorkee,
District Haridwar.

..... **Petitioner.**

Versus

1. Deputy Director of Consolidation/
Collector Haridwar.
2. Zamir Ahmad, S/O Shri Rajiq Ahmad.
3. Juned Ahmad, S/O Shri Khaliq Ahmad,
4. Smt. Sajada Kajmi W/O Shri Minteeq Ahamad Kajmi,
All R/O Mohalla Qila Manglor,
Kasba Manglor, Pargana Manglore, Tehsil Roorkee,
District Haridwar.

..... **Respondents.**

Sri Lok Pal Singh, Advocate, learned counsel for the petitioner.

Sri Nand Prasad, learned Standing Counsel for respondents 1.

Sri M.S. Tyagi, holding brief of Sri Rajendra Singh, leaned counsel for the respondents nos. 2 to 4.

Dated March 31, 2006.

PC:
(Hon'ble B.S. Verma, J.)

The petitioner has filed the present writ petition for quashing the impugned order dated 24.03.2006 passed by the Deputy Director of Consolidation Haridwar (for **short the D.D.C.**)-respondent no. 1 whereby the earlier order of status-quo in favour of the petitioner on 15.12.2005 has been set aside/vacated.

Brief facts of the case are that the petitioner has filed objection under section 9 of the Consolidation of Holdings Act. Admittedly, the petitioner-revision before the D.D.C., the name of the petitioner/revisionist is not recorded in the revenue records. It may be noted that while the case under Section 9A of the said Act is still pending before the Consolidation Officer, the petitioner moved application before the Consolidation Authority, wherein in paragraph

no.3, the petitioner had stated that name of petitioner is not recorded in the revenue records and it was prayed that in Khasara nos. 1106, 1113 and 1114, the name of the petitioner be recorded.

The petitioner himself moved application before the Assistant Settlement Officer Consolidation with the averment that the Consolidation Officer was on leave and the recorded tenure holders want to alienate the property to third person on 30.11.2005. On this application, the Assistant Settlement Officer Consolidation passed the order dated 1.12.2005 that both the parties shall not alienate the property and shall maintain status-quo regarding the property. It has been stated that this order was recalled by the Assistant Settlement Officer (Consolidation) on 7.12.2005. Aggrieved by the said order, the petitioner preferred a Revision before the D.D.C. On 15.12.2005, the Deputy Director of Consolidation passed an order to maintain status-quo by the parties. The respondent no.2 filed an application for early hearing of the revision on 23.3.2006 and the date was fixed 24.03.2006. On 24.3.2006, application was moved by the counsel of the petitioner on that his grand father has died so he is unable to do Pairvi of the case. The application is signed by the learned counsel for the petitioner and not by the client. It appears that the counsel for the petitioner was present in the court campus and knowingly he did not appear before the court concerned. After hearing the counsel for the respondent, the Court/D.D.C. vacated the earlier order dated 15.12.2005 whereby the status-quo was ordered for one week only passed by it vide order dated 24.3.2006.

In view of the facts and circumstances and the material Placed on record, I find that D.D.C. did not commit any illegality in recalling the earlier order, especially when the counsel for the petitioner was present in the court campus, he ought to have appeared before the Court to put forth his contention.

At this stage, the learned counsel for the petitioner has submitted that a direction may be given to the Consolidation Officer for time bound decision of the pending case before him.

The Consolidation Officer Roorkee is directed to decide the case pending in his court Section 9 A of the said Act between the petitioner and contesting respondents within a period of three months from the date of production of certified copy of this order. Both the parties shall co-operate in the expeditious disposal of the suit.

With the said observation, the writ petition is dismissed in limine.

(B.S. Verma, J.)

RCP