

Court No. - 21

Case :- WRIT - B No. - 1169 of 2021

Petitioner :- Muin

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Arun Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak,J.

Heard Sri Arun Kumar Tripathi, learned counsel for petitioner, learned Standing Counsel representing the respondent nos.1 to 4 and perused the record.

Present writ petition has been filed by the petitioner with the following relief:-

"Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities specially respondent no.3 to demarcate the Chak No.646 and give the possession to the petitioner as well as co-tenure holder on their chak as provided in C.H. Form-23, which is situated in village-Chauspur, Pergana-Bhojpur, Tehsil Sadar, District- Farrukhabad."

It is submitted by learned counsel for the petitioner that in provisional consolidation scheme, mother of the petitioner has been proposed Chak No.646, which is evident from C.H.Form-23 annexed as Annexure-1 to this petition.

Grievance of the petitioner is that provisional consolidation scheme has already been confirmed, as embodied under section 23 of the U.P.C.H. Act, but till date delivery of possession has not been made to the petitioner in pursuance of the provision as enshrined under section 28 of the aforesaid Act.

Learned Standing Counsel has submitted that grievance of the petitioner would be ventilated, in case, authority concerned are directed to consider the fresh representation/application to be made by the petitioner, for delivery of possession, as per the provisions of section 28 of U.P. Consolidation of Holdings Act, 1953 (in brevity 'U.P.C.H. Act').

In this conspectus as above, no useful purpose would be served by keeping this

matter pending, therefore, this Court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case as mentioned in the present writ petition, with a direction that petitioner is at liberty to move fresh representation, within period of three weeks from today, qua his grievances as mentioned in the present writ petition along with a copy of this order before the Deputy Director of Consolidation, Farrukhabad (respondent No.4), who shall either decide the same himself or direct the authority concerned to take appropriate decision, under the relevant provisions of law as applicable, expeditiously, preferably, within a period of five months from the date of filing of the aforesaid representation.

The petitioner shall file a computer generated copy of this order before the authority concerned, after downloading it from the official website of High Court, Allahabad, which shall be supported by an affidavit. The authority concerned shall verify the same from the official website of this Court.

With the aforesaid observation, present writ petition is disposed of.

Order Date :- 31.8.2021

Manish Himwan