



Court No. - 19

Case :- WRIT - B No. - 85 of 2022

Petitioner :- Riyasat Ali

Respondent :- Deputy Director Of Consolidation, Saharanpur
And 6 Others

Counsel for Petitioner :- Narendra Mohan, Dinesh Kumar
Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

Heard Sri Narendra Mohan, learned counsel for the petitioner and Sri Anand Bhaskar Srivastava, learned Standing Counsel appearing for the State Respondents.

The present petition has been filed seeking to challenge the order dated 6.1.2022 passed by the D.D.C., Saharanpur in Revision No.0228 of 2021 (Riyasat Ali vs. Rabbani and others) whereby the earlier order dated 22.11.2022 passed by the S.O.C., Saharanpur allowing the restoration application filed by the Respondents no. 5, 6 and 7 in Appeal No. 226 of 2020 (Rabbani vs. Ashraf), has been affirmed.

The Respondent no.1 while dismissing the revision has held that the order of the S.O.C. against which the revision was preferred, apart from being of an interlocutory nature has merely allowed the recall application and fixed a date for hearing on merits, and therefore, there was no cause to entertain the revision and to interfere with the order passed by the S.O.C. It is also seen that the S.O.C. has allowed the recall application by taking note that the previous order dated 30.09.2020 had been passed without taking into notice the contention of the applicant-respondents and for the said reason recalled the earlier order and posted the matter for hearing on merits.

No material error or illegality could be pointed out in the orders passed by the courts below so as to warrant interference in exercise of powers under Article 226 of the Constitution of India.

The writ petition in so far as it seeks to assail the order dated 6.01.2022 passed by the D.D.C., Saharanpur in Revision No. 0228 of 2021, is therefore not entertained.

The only request made by the counsel for the petitioner, at this stage, is for a direction to the S.O.C., Saharanpur-Respondent no.2, where the matter is now pending, to proceed with the case

expeditiously and conclude the proceedings.

Learned Standing Counsel for the State-Respondents has fairly stated that he has no objection, if the proceedings are expedited.

Having regard to the aforementioned facts and circumstances and without expressing any opinion on the merits of the case, the present petition is **disposed of** with an observation that the Respondent no.2-Settlement Officer of Consolidation, Saharanpur would make an endeavor to decide the aforesaid case in accordance with law, expeditiously preferably within a period of six months from the date of receipt of a certified copy of this order without granting any unnecessary adjournments to either of the parties, provided there is no other legal impediment.

Order Date :- 6.4.2022

Kirti

(Dr. Y.K. Srivastava, J)