
(2006) 02 AHC CK 0139

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 5345 of 2006

Bhagwati

APPELLANT

Vs

D.D.C., Saharanpur & Ors.

RESPONDENT

Date of Decision : 21-02-2006

Acts Referred:

Citation : (2006) 02 AHC CK 0139

Hon'ble Judges : S.N.Srivastava, J

Final Decision : Allowed

Judgement

S.N. Srivastava, J.—This writ petition is directed against the order dated 20th January, 2006, passed by the Deputy Director of Consolidation, Saharanpur rejecting stay application on the ground that six weeks" time granted by this Court for deciding. Stay application pending revision came to an end.

2. Material on record makes it clear that Revision No. 1608/2005, Bhullan Singh v. Atar Singh, is pending before Deputy Director of Consolidation. An application was moved by the petitioner to pass appropriate orders on stay application, but no order was passed, hence, this Court in Writ Petition 46973/2005 by an order dated 472005 directed Deputy Director of Consolidation, Saharanpur to pass appropriate orders with in six weeks from the date of order and in the meantime, parties were directed to maintain status quo for six weeks.

3. No orders were passed with in six weeks" time and ultimately orders were passed rejecting stay application on 2012006 without considering any thing on merits.

4. When the case was taken, Sri Vijay Kumar, Deputy Director of Consolidation, Saharanpur was present in Court in compliance to the order of this Court dated 3112006. He has also filed an affidavit giving therein his explanation.

5. He made certain averments in his affidavit, but ultimately in Paragraph16 of the affidavit, he made following averments:

"That the deponent being senior responsible officer of the Consolidation Department has highest regard for the Hon"ble Court and the order passed by it. However, he submits his unconditional and unqualified apology in case this Hon"ble Court finds any laps on his part."

6. Sri Vijay Kumar, Deputy Director of Consolidation, Saharanpur has explained the matter that as there was an order of statusquo from this Court, the same is still continuing and the petitioner has not been dispossessed so far and in the meantime an application was received from the petitioner that the case may be heart" and decided, he bona fidely believes that in view of the order of this Court, he should have passed orders with in time. He also relied upon certain provisions of Consolidation Manual and quoted the same in his affidavit.

7. In the facts of the case, as the Deputy Director of Consolidation is ready to decide the revision in accordance with law with in a month, this Court is of the view that interpretation of various provisions of Consolidation Manual is not required in the present case. As explained in the affidavit, the omission to comply the order of the High Court appears to be bona fide on the part of the Deputy Director of Consolidation.

8. Accordingly, writ petition succeeds and is allowed. The order dated 2012006 rejecting stay application of petitioner passed by the Deputy Director of Consolidation is quashed. The Deputy Director of Consolidation is directed to decide revision in accordance with law after giving opportunity of hearing to the parties with in a month from the date of presentation of a certified copy of this order. Till disposal of the revision, interim order already passed by this Court shall remain operative.