

(2008) 07 AHC CK 0128

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 33653 of 2008

Prabhawati Devi

APPELLANT

Vs

District Magistrate/District Deputy Director of Consolidation,
Sonbhadra And Others

RESPONDENT

Date of Decision : 16-07-2008

Acts Referred:

Citation : (2008) 07 AHC CK 0128

Hon'ble Judges : Ran Vijai Singh, J

Final Decision : Allowed

Judgement

Ran Vijai Singh, J.—This writ petition has been filed against the order dated 18.6.2008 passed by District Deputy Director of Consolidation, Sonbhadra on the transfer application of the petitioner.

2. It appears that three revisions were pending before the Deputy Director of Consolidation in which dates have been fixed on number of occasions and arguments were heard but the judgment was not delivered. In the meantime transfer application was filed on the allegations that on one date the petitioner has seen the respondent alongwith some outsiders in the chamber of Deputy Director of Consolidation and the Deputy Director of Consolidation was assuring them that the revisions be allowed in their favour. It appears from the perusal of the order that District Deputy Director of Consolidation before whom the transfer application was filed without obtaining the personal comment of the Deputy Director of Consolidation with regard to the personal allegations made in the affidavit has rejected the petitioner's transfer application. Sri R.N. Upadhaya, learned Counsel for the petitioner submits that personal allegation could only be rebutted by the Deputy Director of Consolidation and that has not been done therefore, allegations which were made on affidavit could have been accepted as it were. Apart from this the impugned order has been challenged on number of grounds but the Court is not intending to discuss all these details here as Sri Triveni Shanker, learned Counsel who has put in appearance on behalf of

contesting respondent has submitted before the Court that the petitioner is trying to delay the proceeding and is not interested in disposal of the revision. He has further submitted that he has no objection, if the impugned order is set aside and the case is transferred to some other district. He has made this statement after getting instruction from Sri Radhey Shyam, his client who is present before the Court and identified by Sri Triveni Shanker.

3. In view this writ petition succeeds and is allowed. The impugned order dated 18.6.2008 passed by District Deputy Director of Consolidation is quashed and with the consent of learned Counsel for the parties the case is transferred to Deputy Director of Consolidation, Allahabad.

4. The Deputy Director of Consolidation, Sonbhadra is directed to transmit the file of the Revisions No. 124, 125 and 126 of 2006 to Deputy Director of Consolidation, Allahabad within a period of six weeks from the date of receipt of certified copy of this order.

5. The parties may appear before the Deputy Director of Consolidation, Allahabad on 3rd September, 2008 and the Deputy Director of Consolidation, Allahabad shall decide the revisions expeditiously preferably within a period of three months. It is observed that no unnecessary adjournments be given to the learned Counsel for the parties. In case the parties avoid to participate the hearing the Deputy Director of Consolidation, Allahabad is at liberty to proceed with the matter *ex parte*.

6. Learned Counsel for the petitioner apprehends that in the meantime Deputy Director of Sonbhadra shall decide the revisions therefore proceeding be stayed. His apprehension is misconceived as after the receipt of this order the Deputy Director of Sonbhadra will not proceed with the matter and will send the file through proper channel to Deputy Director of Consolidation, Allahabad.