

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.5941 of 2019
(@ Special Leave Petition (C) No.14418 of 2014)**

KAMTA PRASAD

Appellant (s)

VERSUS

DISTRICT MAGISTRATE & ORS.

Respondent(s)

O R D E R

Leave granted.

It is a long back litigation ensued in respect of the consolidation proceedings and orders have been passed from time to time, unfortunately some fatal aspects are causing us to pass an order of remission.

It is not disputed before us that an order of remand was obtained by respondent No.6 in Writ B-No.23906 of 2012 vide order dated 16.5.2012 of the Allahabad High Court. In those proceedings the appellant was never arrayed as respondent as it should have been. We could overlook that aspect if atleast in proceedings thereafter, when

the matter was remitted to the Deputy Director of Consolidation, the appellant would have been heard and permitted to present his stand point. This also did not happen. In fact, even notice was not issued to the appellant at the stage of hearing. Learned counsel for respondent No.6 had sought time to verify this fact as to whether what was pleaded and contended by the appellant in this behalf reflected the position in the record. He fairly states it is so.

Insofar as the endeavour for respondent No.6 to persuade us otherwise on account of earlier and subsequent proceedings are concerned, we really cannot go into those aspect(s) as it would not be fair to either of the parties. The fatal aspect in not joining the appellant in the remand proceedings before the Deputy Director of Consolidation leaves us with no option but to set aside all proceedings thereafter including the orders passed on 18.07.2013 and call upon the Deputy Director of Consolidation to pass a fresh order after hearing the appellant post issuance of notice.

Ordered accordingly.

We make it clear that we are not commenting on the merits of the claim of the appellant in any manner whatsoever.

In view of the proceedings which have gone on for such a long period of time, we expect the Deputy Director, Consolidation to conclude the matter within a period of three months from the first date of hearing before him post issuance of notice to the appellant. All the parties are expected to cooperate in those proceedings and will not take any adjournments.

Needless to say that respondent No.6 would also be given an opportunity to be heard and whatever further documents both parties want to file would be permitted at one go.

Naturally depending upon the outcome of the proceedings before the Consolidation Officer, the parties will have liberty to exhaust their legal remedies in accordance with law.

Suffice for us to state that in any of the subsequent proceedings also, the matter would be taken on priority as the dispute is an old one from its origination.

The appeal is accordingly allowed leaving the parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

NEW DELHI,
JULY 30, 2019.

ITEM NO.13

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.14418/2014

(Arising out of impugned final judgment and order dated 12-02-2014 in WB No.5710/2014 passed by the High Court of Judicature at Allahabad)

KAMTA PRASAD

Petitioner(s)

VERSUS

DISTRICT MAGISTRATE & ORS.

Respondent(s)

Date : 30-07-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Parties (s)

Mr. S. R. Singh, Sr.Adv.
Ms. Sunita Pandit, Adv.
Mr. Krishna Kumar Yadav, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Vivek Narayan Sharma, Adv.
Mr. Ajay Singh, Adv.
Mr. Debashish Mukherjee, Adv.
Pragyan Mishra, Adv.
Ms. Mohika Jain, Adv.

Mr. Tanmaya Agarwal, Adv.
Mr. Nipun Goel, Adv.
Mr. Wrick Chatterjee, Adv.

Mr. Vinay Garg, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall also stand
disposed of.

(POOJA ARORA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file)