

Court No. - 49

Case :- WRIT - B No. - 3620 of 2024

Petitioner :- Smt. Manorma Tiwari

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Ashok Kumar Singh, Ram Mangal Singh

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir, J.

Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner at great length and Mr. S.C. Upadhyay, learned Standing Counsel appearing on behalf of the State.

The petitioner's application, seeking transfer of Case No. 185, 186 and 188, Shubhi Tiwari vs. Manorama Tiwari and others, from the Court of the Consolidation Officer, Arwa Katra, district Auraiya to some other district before the Court of Competent Jurisdiction, has been rejected by the Additional Commission of Consolidation, U.P. *vide* order dated 27.08.2024 on ground that under Rule 65(1) of the U.P. Consolidation of Holdings Rules, 1953, the jurisdiction is vested with the Settlement Officer of Consolidation.

Quite apart from the issue of jurisdiction, we have looked into the allegations, on the basis of which transfer is sought from the Consolidation Officer, Arwa Katra, district Auraiya to some other Court. The allegations are that the Court is proceeding in the matter illegally and is under the political and corrupt influence of the other side, as a result of which he is ignoring the petitioner's evidence. It is also said that the Consolidation Officer is fixing quick dates.

Learned counsel for the petitioner has drawn the attention of the Court to the order-sheet dated 18.06.2024 and 20.06.2024 relating to the case pending before the Consolidation Officer. He submits that a perusal of the said order-sheet would show that the Consolidation Officer himself acknowledges the fact that he is under

pressure from the other side, Shubhi Tiwari. Much contrary to the submission of the learned counsel for the petitioner, the order sheet shows that Shubhi Tiwari or his counsel are pressing the matter for an early decision which has been described by the Consolidation Officer in crude language as " त्वरित निस्तारण के लिए दबाव बनाया जा रहा है". Apart from the employment of language, which we have no hesitation to say is crude, there is nothing in the order-sheet which shows that the Consolidation Officer is under any kind of influence of Shubhi Tiwari.

It is indeed ironical that the public at large are seen going wild on all public platforms and social media, criticizing delays in Courts and repeating that courts adjourn cases by fixing 'date after dates' which they repeat *ad nauseam*, and, yet, when a member of the same body of the public is in Court as a litigant, he objects to the fact, as in this case, that the Court seeks to proceed in the matter with dispatch. The petitioner questions the intentions of the Court because the Consolidation Officer has chosen to proceed with the matter at a quick pace. Delivery of quick justice is a virtue; not a vice. Therefore, apart from the issue of jurisdiction, which the petitioner has raised, there is no substance in the grounds urged to seek transfer.

We, accordingly, **rejects** this petition.

Let this order be communicated to the Consolidation Officer, Arwa Katra, District Auraiya through the Civil Judge (Senior Division) Auraiya by the Registrar (Compliance) within **24 hours**.

Order Date :- 7.1.2025

Brijesh Maurya