

Court No. - 51

Case :- WRIT - C No. - 761 of 2023

Petitioner :- Bhariguram Ji Pandey

Respondent :- State Of U.P. And 15 Others

Counsel for Petitioner :- In Person

Counsel for Respondent :- C.S.C., Ashish Kumar Pandey, Azad Rai, Vidhu Prakash Pandey

Hon'ble Chandra Kumar Rai, J.

In Re: Civil Misc. Substitution Application No.3 of 2023

1. The instant application has been filed in respect of deceased respondent no.12.
2. The application is within limitation.
3. Let the word 'deceased' be mentioned against the name of respondent no.12 and his legal heirs as mentioned in the prayer clause be substituted as respondent nos.12/1 to 12/3 respectively.
4. The application is accordingly, allowed.

Order on Writ Petition

1. Heard Mr. Bharguram Ji Pandey, Advocate in person, Mr. Vidhu Prakash Pandey, learned counsel for respondent nos.5 & 6, Mr. Ashish Kumar Pandey, learned counsel for respondent nos.7 to 11, Mr. Azad Rai, learned counsel for respondent- Gaon Sabha and Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents.
2. The instant petition has been filed for quashing the order dated 20.12.2022 passed by respondent no.2/ Additional Commissioner First, Prayagraj Region Prayagraj in Appeal No.1558 of 2022, Computerized Case No.C202202000001558 (Praful Kumar Tiwari & Others vs. Ramsanjivan @ Ram Ji & Others).
3. Learned counsel for the petitioner submitted that the appeal filed by the petitioner was not maintainable, as such, the order passed in the appeal cannot be sustained in the eye of law. He further submitted that during pendency of the writ petition, contesting respondent have converted the appeal into revision and the same is pending before the Additional Commissioner/ respondent

no.2. He next submitted that the appropriate direction be issued for the expeditious disposal of pending revision in accordance with law.

4. Mr. Vidhu Prakash Pandey, learned counsel for the petitioner submitted that the revision is pending before respondent no.2, as such, no direction is required and petitioner should appear in the pending revision which shall be decided in accordance with law.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the revision filed by the contesting respondents arising out of partition suit is pending before respondent no.2.

7. In view of the facts and circumstances of the case, the instant petition is finally disposed of directing respondent no.2 to decide the Revision No.1558 of 2022, Computerized Case No.C202202000001558 (Praful Kumar Tiwari & Others vs. Ramsanjivan @ Ram Ji & Others), under Section 210 of U.P. Revenue Code, 2006 in accordance with law after affording proper opportunity of hearing to both parties, expeditiously preferably within a period of six weeks from the date of production of certified copy of this order before him.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

Order Date :- 1.11.2023
Rameez