

Court No. - 52

Case :- WRIT - C No. - 5524 of 2022

Petitioner :- Dharam Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Dinesh Kumar Mishra

Counsel for Respondent :- C.S.C.,Sunil Kumar Singh

AND

Case :- WRIT - C No. - 23164 of 2022

Petitioner :- Jitendra Kumar

Respondent :- State Of U P And 3 Others

Counsel for Petitioner :- Himanshu Srivastava,Siddharth Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Shri Dinesh Kumar Mishra, learned counsel for the petitioner and Shri Tarun Gaur, learned standing counsel for the State respondents.

2. The case of the petitioner is that he has already been extended residential lease way back in the year 1989 but inspite of best efforts made by the petitioner name of the petitioner was already entered in the revenue record before operation of the consolidation, but after notification under Section 52 of U.P. Consolidation of Holdings Act, unfortunately name of the petitioner had not been got placed and entered in the record of rights prepared by the Revenue authorities after consolidation which rises cause of action in favour of the petitioner to represent before the respondent no.3 and over the request made by the petitioner the proper direction has been made by respondent no.2 for entering the name of the petitioner against plot no.1216M which was extended in shape of residential in favour of the petitioner but no action has been carried out by the competent authority in shape of entering the name of petitioner in the record of rights.

3. Being aggrieved with the inaction of the responding authorities specially respondent no.2 who

has not complied the order and direction passed by respondent no.3, petitioner preferred Civil Misc. Writ Petition No.23720 of 2019 before this court wherein specific orders has been passed vide order dated 23.7.2019 to comply the order and direction passed by respondent no.3 in shape of directing respondent no.2 to enter the name of the petitioner in the revenue record. During pendency of the compliance of the order and directions passed by the Coordinate Bench of this court as well by respondent no.3, a fresh proposal has been made by concerned Land Management of Village Sikandrabad Tehsil Sikandrabad, District Bulandshahar for construction of ware house as well as certain shops over the same plot which was extended in shape of residential lease in favour of the petitioner and as such general order passed by respondent no.1 for utilising the land pertains to the Gaon Sabha in each and every Village for construction of ware house/shop has been put under challenge through the instant writ petition. The precise ground for challenging the above mentioned order that in pursuance to the order and directions passed by the Coordinate Bench of this Court in Civil Misc. Writ Petition No.23720 of 2019, same was still pending to be complied with but after coming into existence of the order which impugned the present petition the same has been withheld and as such the precise prayer made by petitioner through the instant petition is to stay the effect and operation of the order which impugned in the present petition dated 23.10.2020 and the same shall be given effect only in respect of Village Sikandarabad and specifically for plot no.1216M.

4. Per contra, learned standing counsel vehemently opposed the prayer submitted through the instant petition and the grounds taken by learned counsel for the petitioner have been opposed and further submitted that the notification which has been issued by respondent no.1 is general in nature and the same is only for the purposes of utilising the vacant land pertains to Gaon Sabha for their development in shape of construction of ware houses/shop in the interest of public at large, only at the behest of the petitioner the entire

notification/order issued by respondent no.1 may not be kept in abeyance since the same shall be adversely affecting the development process as initiated by the State Government for each and every Village.

5. Considering the rival arguments raised by learned counsel for the parties the judicial directions has to be complied with on top priority basis and the same is duty incumbent upon the responding authorities and as such respondent no.3 is hereby directed to comply with the order and direction passed by this Court in Civil Misc. Writ Petition No. 23720 of 2019 vide order dated 23.7.2019 within a period of eight weeks from the date of production of certified copy of this order and thereafter proceed with the notification/order passed by respondent no.1 over the available land pertains to Gaon sabha.

6. Writ petition stands **disposed of** accordingly.

Order Date :- 6.12.2023

Rakesh