

Court No. - 51

Case :- WRIT - C No. - 21559 of 2023

Petitioner :- Bhanuprakash

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Manoj Kumar Tiwari

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

Hon'ble Chandra Kumar Rai,J.

1. Objection to the instruction filed on behalf of the petitioner is taken on record.

2. Heard Sri Manoj Kumar Tiwari, learned counsel for the petitioner, Sri R.C. Srivastava, learned Addl. C.S.C. for the state-respondents and Sri Sunil Kumar Singh, learned counsel for the respondent no.7-gaon sabha.

2. The instant writ petition has been filed for the following reliefs:-

"Issue a writ, order or direction in the nature of mandamus, commanding the state-respondents not to take coercive measures against the petitioner to vacate the land being khasra no.705, situated at village Belaun, Pargana & Tehsil Dibaie, District Buland Shahar and also be directed to deposit an amount of Rs.3,26,000/- as damages for unauthorized occupation of the land except in accordance with law".

3. Counsel for the petitioner states that the revision filed against the order under Section 67(5) of the U.P. Revenue Code, 2006 is pending before the revisional court, as such, necessary direction be issued for the disposal of the pending revision in accordance with law and till the disposal of the revision, no coercive measures shall be taken against the petitioner in respect to khasra no.705.

4. Pursuant to the order of the Court, instruction was filed by the State and this Court on 13.9.2023 had passed the following order:-

1. In compliance of the order of this Court dated 10.7.2023, instruction dated 31.7.2023 has been placed before the Court, which is taken on record.

2. In the instruction dated 31.7.2023, it is mentioned that against the order of ejectment and damages passed by Tahsildar against the petitioner, appeal filed by the petitioner under Section 67 (5) of U.P. Revenue Code, 2006 has been dismissed. It is further mentioned that in the revision, which has been filed by the petitioner against the order of Collector, no interim order is operating. It is also mentioned that before passing of the order dated 20.1.2023 by this Court, the construction of

the petitioner has been demolished on 14.1.2023, as such, no interference is required in the matter. It is further mentioned that the land in dispute is recorded as 'Chabutra' in the revenue records so no right will accrue to the petitioner.

3. Learned counsel for the petitioner is granted two weeks' time to file reply to the facts mentioned in the instruction dated 31.7.2023.

4. Put up this case as fresh on 6.10.2023."

5. Counsel for the petitioner submitted that under the legal advice, revision was filed before the Commissioner which is still pending, as such, the same should be decided, expeditiously, in accordance with law. He further placed the certified copy of the order-sheet of the pending revision in order to demonstrate that the matter is pending before respondent no.2/Addl. Commissioner (Administration-III), Meerut Division, Meerut.

6. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2 to decide the Revision No.1476/2022 (Computerized Case No.C202211000001476) (Bhanu Prakash vs. Gram Sabha and Others), under Section 210 of the U.P. Revenue Code, 2006, as expeditiously as possible, preferably within a period of 2 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

Order Date :- 2.12.2023

C.Prakash