

Court No. - 51

Case :- WRIT - C No. - 21579 of 2023

Petitioner :- Rambali

Respondent :- State Of U.P And Others

Counsel for Petitioner :- Pravesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Sri Pravesh Kumar Yadav, learned counsel for the petitioner and Sri Girish Vishwakarma, learned counsel for respondent nos. 20 & 21.

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

"Issue a writ, order or direction in the nature of mandamus, commanding to the respondent no.3/Sub Divisional Magistrate, Phoolpur, District Allahabad to comply the order dated 21.4.2018 (Anneuxre No.4), passed by Addl. Commissioner, 1st, Prayagraj, in Revision No.273/2013-14 (Rambali vs. Devendra Singh and Others), under Section 219 of the U.P. Revenue Code, 2006 within stipulated period."

3. This Court vide orders dated 31.7.2023/22.8.2023/19.9.2023, had directed the learned Addl. C.S.C. to obtain instruction in the matter. On 9.10.2023, again an order was passed, directing the S.D.O., Phoolpur, Prayagraj to send the instruction in the matter.

4. In compliance of the order of this Court dated 9.10.2023, Mr. R.C. Srivastava, learned Addl. C.S.C. submitted that the S.D.O. has intimated him telephonically that the order passed on 21.4.2015 has been incorporated in the revenue records and the proper report/instruction along with the order will be sent to the office of the Chief Standing Counsel within a week.

5. Counsel for the petitioner also submitted that the order dated 21.4.2015 has been incorporated in the revenue records, as such, no cause of action further survives in the matter.

6. Sri Vishwakarma, learned counsel for respondent nos. 20 & 21 submitted that the contesting respondents are the recorded tenure holder of the plot in dispute but without notice/opportunity to the contesting respondents, order dated 11.9.1998 was passed by the Settlement Officer (Consolidation) in appeal under Section 11 of the U.P. Consolidation of Holdings Act and order dated 21.4.2015 was passed by the Addl. Commissioner, as such, the order should not be implemented/incorporated in the revenue records. He further

submitted that petitioner will initiate proper proceeding against the illegal orders passed by the Settlement Officer (Consolidation) and the Commissioner.

7. Since the order dated 21.4.2015 has been passed in the proceeding under Section 219 of the U.P. Land Revenue Act, as such, there is no hindrance to incorporate the order in the revenue records. Whenever the order dated 21.4.2015 is modified/altered/set aside, the revenue records will be corrected accordingly.

8. In view of the facts and circumstances of the case, no further cause of action survives in the matter. The writ petition is disposed of accordingly.

Order Date :- 2.11.2023

C.Prakash