

Court No. - 52

Case :- WRIT - C No. - 28799 of 2021

Petitioner :- Seraj Ahmad Khan

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

Counsel for Petitioner :- Vibhu Rai,Dhananjai Rai

Counsel for Respondent :- C.S.C.,Nमित Srivastava,Shiva Prakash,Vivek Kumar Singh

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Vibhu Rai, learned counsel for petitioner and Sri Vivek Kumar Singh, learned counsel for respondent no.5 as well as Sri Rajkumar Singh, learned Standing Counsel for the State-respondent nos.2 to 4.

2. It is the case of petitioner that he is legal occupant over plot nos.204/380, 203/379 and 204 situated at Village Kharkhauli, Tehsil Sakaldiha, District Chandauli in pursuance of the sale deed dated 16.01.2021, name of the petitioner has been duly entered in revenue records. Respondent no.5 also received a sale deed executed by respondent nos.6 and 7 on dated 29.07.2021 for plot nos.200, 201 and 203 situated in the same village i.e. Village Kharkhauli, Tehsil Sakaldiha, District Chandauli.

3. Certain dispute has been initiated at the behest of application preferred by respondent no.5 which spouses cause of action in favour of the petitioner for filing the instant petition. While entertaining the present petition at the admission stage, interim protection has been granted to the petitioner and counter affidavit was called from respondent no.5. In strict compliance of the order and direction passed by the Coordinate Bench, pleadings have been exchanged and as per the stand taken up in the counter affidavit preferred by respondent no.5, a vital fact has been apprised that a Civil Suit No.69 of 2021 preferred by the petitioner, wherein application for seeking interim application as 6C has already been decided vide order dated 01.01.2022 and the same is still pending to be adjudicated finally by learned Civil Judge (S.D.), Chandauli.

4. After having the rival submission extended by learned counsel for parties as well as the records appended along with the pleadings exchanged during pendency of the instant petition,

dispute with regard to overlapping of plot no.203 might be the bone of contention between the parties and the same can only be redressed if proper demarcation may be carried out by the responsible revenue authorities in connection to the plot nos. 203/379 and 203 pertain to the petitioner and respondent no.5.

5. Both the learned counsel for parties as well as learned Standing Counsel are having agreement to decide the instant petition with direction to the respondent no.3 to demarcate the plot nos.203/379 and 203 pertain to the petitioner and respondent no.5 after affording due opportunity to all concerned within time frame.

6. Be that as it may, respondent no.3 is hereby directed to demarcate the plot nos.203/379 and 203 by way of affording opportunity to all concerned, as expeditiously as possible, preferably within a period of three months from the date of production of a certified copy of this order before respondent no.3.

7. During pendency of demarcation proceedings, all the parties are directed to maintain status quo over the lands in dispute.

8. With the aforesaid direction, the instant petition stands **disposed of**.

Order Date :- 2.11.2023

Vivek Kr.