

Court No. - 52

Case :- WRIT - C No. - 25614 of 2023

Petitioner :- Sanjeev Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Pradeep Kumar Rai, Prajyot Rai

Counsel for Respondent :- CSC, Arun Kumar Pandey

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Prajyot Rai, learned counsel for petitioner and Sri Satyendra Bhushan Dubey, learned Standing Counsel for State-respondent nos.1 and 2 as well as Sri Arun Kumar Pandey, learned counsel for Gram Sabha.

2. The instant petition has been instituted for seeking execution of the order dated 25.06.2019 whereby the specific direction has already been issued by the Sub Division Officer to the Tehsildar for raising permanent erection of marks in pursuance to the demarcation carried out over the plot no.50 situated at Village Lohara, Tehsil Tanda, District Rampur.

3. On previous occasion, specific instructions have been called from the learned Standing Counsel with regard to the latest position and clarification from the concerned revenue authorities that under which circumstance, the order dated 25.06.2019 has not been complied with till today.

4. In response to the direction issued by this Court, learned Standing Counsel came up with the detailed instructions which are taken on record through which it is transpired that the order dated 25.06.2019 has already been stayed vide order dated 06.10.2023 passed over the restoration application preferred by Gram Sabha during pendency of the present petition and the next date fixed in the matter is 25.10.2023.

5. Learned counsel for the petitioner vehemently opposed the proceedings whatsoever has been initiated at the behest of Gram Sabha wherein interim order has been passed by way of staying the effect and operation of the order dated 25.06.2019, but at the same time, it has been admitted that cause of action for filing the instant petition has rendered infructuous.

6. However, the action which has been taken up by the responding authority by way of entertaining the subsequent application is shape of restoration and the order whatsoever has been passed without any prior intimation to the petitioner, is seems to be per se illegal but the procedure demands for contesting the same by the petitioner before the appropriate forum of law i.e. respondent no.2.

7. In view thereof, the present petition stands **dismissed as withdrawn** with liberty to the petitioner to prefer stay vacation application/objection before respondent no.2 and the same shall be decided by respondent no.2 within a period of one month from the date of production of a certified copy of this order before him.

Order Date :- 12.10.2023

Vivek Kr.