

Court No. - 49

Case :- WRIT - C No. - 26480 of 2023

Petitioner :- Saleem

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

Counsel for Petitioner :- Jai Prakash Mishra,Ashutosh Mishra,Raj Kumar Kesari

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Sri Raj Kumar Kesari, learned counsel for the petitioner, Sri Avnish Kumar Shukla, learned Standing Counsel for the State-respondents no.1 to 5 and perused the record.

2. The instant writ petition has been filed, *inter alia*, for the following relief:

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondent no.2 to make the lease of the tanks to the eligible person as provided under 57 of the U.P. Revenue Code Rules, 2016, about tank situated at Khata No. 127 area 0.738 Hectare situated at village Pathanpur, Pargana and Tehsil Rampur Maniharan, District Saharanpur.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to take necessary action against 7 allottees in favour of whom, lease has been granted in violation to the provisions of Rule 7 of Rule 57 of U.P. Revenue Code Rules 2016. "

3. At the very outset, learned counsel for the petitioner submits that he does not want to press the present petition and he may be permitted to withdraw the writ petition with liberty granted to the petitioner to approach the appropriate authority in accordance with law for the redressal of his grievances.

4. Learned Standing Counsel for the State-respondents has no objection in case such liberty as proposed by the learned counsel for the petitioner is granted to the petitioner.

5. In case, if the petitioner approaches the authority by filing any case, concerned authority shall take decision on the same strictly in accordance with law.

6. However, it is made clear that the aforesaid liberty has been granted to the petitioner without adverting to the merits of the present case.

7. Accordingly, the writ petition is **dismissed** as withdrawn with the aforesaid liberty.

Order Date :- 16.10.2023//Anurag/-