

Court No. - 52

Case :- WRIT - C No. - 26026 of 2023

Petitioner :- Arshad And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mohd. Aslam Khan, Mohd. Mateen Khan

Counsel for Respondent :- C.S.C., Arun Kumar Pandey

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Mohd. Aslam Khan, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"(A) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 3 Tehsildar Tehsil Nagina, District Bijnor to mutate the name of the petitioner in compliance of the order dated 5.12.2001 passed by Additional Commissioner (Judicial), Moradabad Mandal, Moradabad."

3. It is the case of the petitioners that on dated 10.8.1997, they were allotted agricultural lease of plot in question as a bhumidhar with non-transferable rights which was approved by the Sub Divisional Officer, Nagina, District Bijnor and thereafter the name of the allottee was mutated in revenue records but without any reason on dated 08.06.2001, the Sub Divisional Officer, Nagina, District Bijnor, passed the stay order by which the order of mutation was stayed.

4. Being aggrieved with the order dated 08.06.2001, revision was filed before the Commissioner Moradabad Mandal, Moradabad which was allowed and the order dated 08.06.2001 was set aside. A suit no. 70 of 2005 (State versus Ram kishan and others) was registered at the behest of report dated 11.04.2002 and 18.04.2002 of Sub Divisional Officer, Nagina, District Bijnor under Section 198(4) of U.P.Z.A & L.R Act for cancellation of patta which was allowed by the Additional District Magistrate vide order dated 19.04.2006 and the lease was cancelled. Order dated 19.04.2006 was challenged in revision no. 256 of 2005-2006, filed on dated 06.11.2006 before Additional Commissioner (Judicial) Moradabad Mandal, Moradabad and the said revision was allowed and order dated 19.4.2006 was set aside vide order dated 6.11.2006 and the

same order was never challenged by the Gaon Sabha before any Court and the same has become final.

5. The lease which has been extended in favour of the petitioner has already been finalised vide order dated 06.11.2006 but the name of the petitioner has not been entered in the revenue records.

6. If be that so, and if there is no other legal impediment available, respondent no. 2 is hereby directed to proceed in the manner for entering the name of the petitioner in revenue records in pursuance to order dated 06.11.2006.

7. Writ petition stands ***disposed of*** accordingly.

Order Date :- 17.10.2023

Shaswat