

Court No. - 51

Case :- WRIT - C No. - 28335 of 2023

Petitioner :- Phool Chandra Kanoujia

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

Counsel for Petitioner :- Piyush Kant Vishwakarma

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai, J.

Order on C.M. Amendment Application No.2 of 2023

1. Heard learned counsel for the parties.
2. In view of the averment made in the affidavit filed in support of the application, the application is allowed.
3. Learned counsel for the petitioner is permitted to make necessary amendment in the prayer clause of the writ petition during the course of the day.

Order on Writ Petition

1. Heard Mr. Piyush Kant Vishwakarma, learned Counsel for the petitioner, Mr. Mridul Kumar, learned Standing Counsel for State-respondents and Mr. Govind Kumar Tripathi, learned Counsel for respondent No.4/ Gaon Sabha.
2. The instant writ petition has been filed for quashing the R.C. Form 20 issued by Assistant Collector/Tehsildar, Tehsil-Machhalishahar, District-Jaunpur in case No.T202314360301718

of 2013 and entire proceedings of the Case No.T202314360301718 of 2013 under Section 67 (1) of the U.P. Revenue Code 2006.

3. Learned counsel for the petitioner submitted that R.C. Form Nos.19 and 20 have been issued against the petitioner and proceeding has been illegally registered as case No. T202314360301718 of 2013 against the petitioner under Section 67 (1) of the U.P. Revenue Code 2006. He further submitted that petitioner has filed detailed objection dated 24.03.2023 against the notice/ report dated 18.03.2023 with the prayer that report submitted in the proceeding is misconceived and same be rejected and the proceeding be dropped. He further submitted that specific objection has been taken that petitioner belongs to Schedule Cast community and plot in dispute is recorded as harijan abadi, as such proceeding cannot be initiated against the petitioner.

4. Mr. Mridul Kumar, learned Standing Counsel for State-respondents and Mr.Bhupendra Kumar Tripathi, learned counsel appearing for the Gaon Sabha submitted that petitioner has already filed his objection, which is pending before respondent No. 3/Assistant Collector Ist Class/ Tehsildar, Tehsil-Machhalishahar, District-Jaunpur, as such no interference is required in the matter and the writ petition is liable to be dismissed.

5. I have considered the arguments advanced by learned Counsel for the parties and perused the record.

6. There is no dispute about the fact that proceeding under Section 67 (1) of UP Revenue Code 2006 has been registered against the petitioner before respondent No. 3/Assistant Collector Ist Class/ Tehsildar, Tehsil-Machhalishahar, District-Jaunpur and petitioner

has already filed his detailed objection dated 24.03.2023, which is pending for consideration before respondent No. 3/Assistant Collector Ist Class/ Tehsildar, Tehsil-Machhalishahar, District-Jaunpur.

7. Considering the facts and circumstances of the case, **instant petition is finally disposed of** directing Respondent No. 3/ respondent No. 3/Assistant Collector Ist Class/ Tehsildar, Tehsil-Machhalishahar, District-Jaunpur to conclude the aforementioned proceeding after taking into consideration the objection dated 24.05.2023 filed by the petitioner in accordance with law expeditiously preferably within a period of four months from the production of certified copy of this order after affording proper opportunity to the parties.

Order Date :- 18.10.2023

PS*