

Court No. - 49

Case :- WRIT - C No. - 26786 of 2023

Petitioner :- Awanish Kumar Yadav

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Akhilesh Bharti,Kamlesh Prasad

Counsel for Respondent :- C.S.C.,Ashok Kumar Pandey,Azad Rai,Manoj Kumar Dwivedi

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Kamlesh Prasad, learned counsel for the petitioner; Sri Pankaj Kumar, learned Standing Counsel for the State-respondents no.1 to 4 and Sri Azad Rai, learned counsel for the respondent no.5.

2. This Court vide order dated 06.09.2023 allowed time to the learned counsel for the State to seek instructions in the matter.

3. Sri Pankaj Kumar, learned Standing Counsel submits that he has received the written instructions dated 25.09.2023 from the Sub Divisional Officer, Tehsil- Karchhana, District- Prayagraj. On the basis of the written instructions, he submits that by mistake the name of Sri Chhote Lal son of Ramkishor was entered as *Sankramani Bhumidhar* in the Khatauni pertaining to the Fasli Year 1428-1433 in Khata No.167, Gata No.58 measuring area 0.3230 hectare. He further submits that the same was entered as '*Khel Ka Maidan*' in CH-45/Khata No.661. The said land is reserved for public purposes.

4. Learned Standing Counsel further submits that vide order dated 22.09.2023 passed by the Sub Divisional Officer in the proceedings under Section 32 of U.P. Revenue Code, 2006, corrections have been made and now in the present Khatauni pertaining to Khata No.167, Gata No.58 measuring area 0.3230 hectare, has been recorded as '*Khel Ka Maidan*' by deleting the name of the aforesaid Chhote Lal son of Ramkishor.

5. Sri Ashok Kumar Pandey, learned counsel appearing for the respondent no.6, submits that the aforesaid order dated 22.09.2023 is an ex-parte order and the same has been passed without any notice or any opportunity to the respondent no.6. He further submits that the plot No.58 was allotted in favour of the

respondent no.6 in exchange of the plot No.316 which was earlier recorded as '*Khel Ka Maidan*'.

6. Learned Standing Counsel for the State submits that against the order 22.09.2023, the respondent no.6 has an efficacious and statutory remedy available under the U.P. Revenue Code, 2006. It is always open for him to challenge the order dated 22.09.2023 in accordance with law.

7. In view of the statements as made by the learned Standing Counsel, the writ petition has lost its efficacy.

8. The present writ petition is accordingly **dismissed** as having become infructuous.

Order Date :- 12.10.2023

Abhishek Gupta