

Court No. - 4

Case :- WRIT - C No. - 21220 of 2014

Petitioner :- Surendra

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

Counsel for Petitioner :- Ram Pal Singh

Counsel for Respondent :- C.S.C., Ashish Kumar Srivastava, Avinash Chandra Srivastava

Hon'ble Prakash Padia, J.

1. The petitioner has preferred present petition challenging the order dated 31.08.2009 passed by respondent no.2-Additional Commissioner (Judicial), Agra Division, Agra in Revision No.96 of 2006 (Surendra Vs. State of U.P. and others) under Section 219 L.R. Act and order dated 24.07.2006 passed by respondent no.4-Sub Divisional Magistrate, Tehsil Jasrana, District Firozabad in Case No.143 of 2005-06 (State Vs. Surendra) under Section 33/39 L. R. Act.

2. It is stated in paragraph 11 of the writ petition that before passing the order impugned dated 24.07.2006 no notice or opportunity whatsoever has been provided by the respondent no.4 to the petitioner.

3. It is argued by counsel for the petitioner that though the aforesaid point was raised by the petitioner while filing the revision but the same was also not taken into consideration by the respondent no.2 while rejecting the revision. Hence same is in complete violation of principle of natural justice.

4. This fact has not been denied in the counter affidavit filed by the State.

5. Heard learned counsel for the parties. With the consent of counsel for the parties, the present petition is being disposed of.

6. In view of the fact that before passing the order dated 24.07.2006

passed by the respondent no.4 no notice or opportunity has been given to the petitioner hence the aforesaid order is liable to be set aside and is hereby set aside.

7. Since in the revision the aforesaid point was duly taken but the same was also not taken into consideration by the revisional court hence the order passed in the revision being Revision No.96 of 2006 dated 31.08.2009 is also liable to be set aside and the same is hereby set aside.

8. The writ petition is allowed. The concerned respondents are free to pass appropriate orders in the matter but the order should be passed strictly in accordance with law.

Order Date :- 22.11.2023

Pramod Tripathi