

Court No. - 51

Case :- WRIT - C No. - 28371 of 2023

Petitioner :- Ashwani Kumar Dixit

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

Counsel for Petitioner :- Arun Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Arun Kumar Tiwari, learned counsel for the petitioner and Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents.
2. The instant petition has been filed for mandamus directing respondent no.2 i.e. District- Magistrate, District-Kanpur Nagar to decide the petitioner's application, under Section 30 (2) of U.P. Revenue Code, 2006 within stipulated period.
3. Learned counsel for the petitioner placed the application filed by the petitioner before the authorities, under Section 30 (2) of U.P. Revenue Code, 2006 and submitted that no step has been taken by the authorities on the petitioner's application.
4. Perusal of Annexure No.6 to the writ petition reveals that the petitioner has sent the application by registered post and the heading of the application contains "Chairman Board of Revenue, U.P., Lucknow", however, the competent authority, under Section 30 of U.P. Revenue Code, 2006 is the Collector for entertaining and deciding the proceeding under Section 30 (2) of U.P. Revenue Code, 2006.
5. Learned Counsel for the petitioner further submitted that correction was made in the title of the application and the Collector, Kanpur Nagar has been mentioned but no step has been taken by the Collector.
6. Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents submitted that the petitioner should file proper application before the Collector as provided under Section 30 of U.P. Revenue Code, 2006 as well as rules framed thereunder rather sending the application by registered post.
7. Considering the entire facts and circumstances, the

instant petition is finally ***disposed of*** directing the petitioner to file proper application along with certified copy of this order before respondent no.2 - Collector/ District- Magistrate, Kanpur Nagar, under Section 30 (2) of U.P. Revenue Code, 2006 within three weeks from today.

8. If the petitioner files proper application along with certified copy of this order before respondent no.2 - Collector/ District- Magistrate, Kanpur Nagar, under Section 30 (2) of U.P. Revenue Code, 2006 within three weeks from today, the same shall be registered and disposed of by respondent no.2 in accordance with the provisions of U.P. Revenue Code, 2006 and the Rules framed thereunder, after affording proper opportunity of hearing to both parties, expeditiously preferably within a period of four months from the date of production of certified copy of this order before him.

9. It is made clear that this Court has not expressed any opinion on the merits of the case.

Order Date :- 26.10.2023

Rameez