

Court No. - 4

Case :- WRIT - C No. - 39138 of 2015

Petitioner :- Abdul Matin

Respondent :- Additional Commissioner Administration And Others

Counsel for Petitioner :- Brijesh Chandra Naik,Pranab Kumar Ganguli

Counsel for Respondent :- C.S.C.

Hon'ble Prakash Padia,J.

Order on Impleadment Application No.5 of 2023

1. Amendment application is allowed.
2. Learned counsel for the petitioner is permitted to make necessary amendment in the writ petition at appropriate places during the course of the day.

Order on Writ Petition

1. The petitioner has preferred present writ petition inter-alia with the prayer to quash the impugned order dated 13.04.2015 passed by the Deputy Collector (Revenue), Varanasi in Case No.73/23, under Section 229-B of U.P.Z.A. & L.R. Act as well as order dated 26.05.2015 passed by Additional Commissioner (Administration) Varanasi Division, Varanasi in Revision No.C-2015140000711 of 2015 (Annexure-7).
2. The facts in brief as contained in the writ petition are that the suit No.224 of 1998 was filed by the petitioner under Section 229-B of U.P.Z.A. & L.R. Act. In the said suit an injunction was granted in favour of the petitioner on 10.08.1998 by which parties were directed to maintain status quo. Aggrieved against the aforesaid opposite party nos. 26, 28 and 32 in the aforesaid suit

filed an application on 12.02.2015 requesting therein to pass clear order in respect of injunction order dated 10.08.1998 and stating therein that they purchased the property in dispute from the erstwhile owner Mahadev by way of sale deed.

3. After hearing counsel for the parties at length the order dated 10.08.1998 was modified by the Deputy Collector (Revenue) Varanasi vide its order dated 13.04.2015 stating therein that the injunction granted vide various orders namely orders dated 10.08.1998, 26.10.1998 and 16.03.1999 will not applicable upon opposite party nos. 26, 28 and 32. Aggrieved against the aforesaid a revision was preferred by the petitioner before the Commissioner, Varanasi Division, Varanasi, which was numbered as Revision No.C2015140000711 of 2015, under Section 333 U.P.Z.A. & L.R. Act. The said revision was rejected by the Additional Commissioner (Administration), Varanasi Division, Varanasi vide its judgement and order dated May 26, 2015 stating therein that the revision filed against the aforesaid order is not maintainable. Aggrieved against the aforesaid petitioner has preferred present writ petition.

4. Heard learned counsel for the parties and perused the record.

5. After some arguments counsel for the parties are of the opinion that the court below before whom proceedings under Section 229-B is pending be directed to decide the same expeditiously.

6. In this view of the matter, without interfering with the orders passed by the courts below, which are under challenged in the present petition, the court below before whom proceedings in respect of Case No.224/98 is pending is directed to decide the same expeditiously and preferably within a period of six months from today.

7. Registrar (Compliance) is directed to communicate copy of this order to the Deputy Collector (Revenue) Varanasi or in the court before whom the proceedings of the aforesaid case is pending through District Magistrate, Varanasi within a week.

Order Date :- 3.11.2023

Pramod Tripathi