

Court No. - 52

Case :- WRIT - C No. - 30058 of 2023

Petitioner :- Ram Dhari Public School

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

Counsel for Petitioner :- Kashi Nath Shukla, Sneh Ranjan Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava, J.

1. Supplementary affidavit preferred by learned counsel for petitioner is taken on record.
2. Heard Sri Kashi Nath Shukla, learned counsel for petitioner and learned Standing Counsel for the State-respondents.
3. Present writ petition has been filed seeking following reliefs:

"A. To issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to maintain the village record i.e. Record of Right 1424 to 1429 fasli in respect of plot no. 40 area 0.162 hectare situated at village Jamalpur Paragana and Tehsil Muhammadabad Gohna District as per law in pursuance of the orders passed during consolidation operation and have attained finality, but have not been implemented in the current khatauni and has revived the name of the father of the vendor i.e. Shivkumar son of Ram dev, within the stipulated period of time otherwise the petitioner shall suffer irreparable loss and injury."

4. Learned counsel for petitioner submitted that petitioner has preferred an application dated 27.01.2023 under Section 38 of U.P. Revenue Code, 2006 before Tehsildar Muhammadabad, Gohna, District Mau/respondent no. 3 for redressal of his grievances. Learned counsel for petitioner to support his case also relied upon judgment rendered by co-ordinate Bench of this Court in case of **Devendra Dutt Shukla and 4 others vs. Additional Commissioner Lko, and 4 others** passed in **Misc. single no. 3391 of 2008** decided on 10.05.2019 and in case of **Rajendra Prasad Dixit & others vs. State of U.P. Thru. Prin. Secy. Deptt. Revenue & others** passed in Consolidation no. 5237 of 2017 decided on 23.03.2017.

5. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met in case, the application dated 27.01.2023 under Section 38 of U.P. Revenue Code, 2006 is considered and decided in a time bound manner by respondent no. 3.

6. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no.3 to consider the grievance of the petitioner.

7. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.3 is hereby directed to consider and decide application dated 27.01.2023 preferred by petitioner under Section 38 of U.P. Revenue Code, 2006 in the light of judgment rendered by co-ordinate Bench of this Court in case of *Devendra Dutt Shukla (supra)* and *Rajendra Prasad Dixit & others (supra)*, as expeditiously as possible, preferably within a period of nine months from the date of production of certified copy of this order, after affording proper opportunity of hearing to all the parties.

8. With the aforesaid directions, the writ petition stands **disposed of.**

Order Date :- 17.10.2023

Shaswat