

Court No. - 47

Case :- WRIT - C No. - 29730 of 2023

Petitioner :- Kumari Devi And 10 Others

Respondent :- State Of U.P.25 Others

Counsel for Petitioner :- Upendra Kumar Dubey, Pradeep Kumar Rai, Prajyot Rai

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

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

2. This writ petition has been filed for following relief:

"1. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 and 4 to decide the application dated 12.07.2023 (Annexure no. 6) filed by the petitioner before the respondent no. 2 and 3.

2. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 3 to ensure the deliver the possession to the petitioner of the Arazi No. 1131 Rakaba 0.218 hectare situated at Mauja Chandwak Kerakat, Jaunpur."

3. Contention of the learned counsel for the petitioner is that in proceedings under Section 24 of the U.P. Revenue Code, 2006, an order has been passed on 14.07.2021 by respondent no. 2. Appeal against the aforesaid order has also been dismissed by order dated 29.09.2022. Despite the order dated 14.07.2021, the same has not been complied with and in this regard, the petitioner has also submitted a representation on 12.07.2023 which is annexed as annexure no. 6 to the writ petition, may be decided expeditiously.

4. An application for impleadment has been moved by Ram Briksh son of Bachchan and the same was allowed by this Court vide order dated 06.11.2023.

5. Learned counsel appearing for newly impleaded respondent contended that the writ petition is not maintainable for the reason that against the appellate order 29.09.2022, a revision filed by the newly impleaded respondent being Revision No. 2597 of 2022, Computerized Case No. 820221436002597 (Ram Briksha Yadav Vs. Kumari Devi), is pending before the Board of Revenue. It is further contended by learned counsel for the newly impleaded respondent that earlier also during pendency of the appeal, the petitioner has approached this Court by means of Writ C No. 2948 of 2022 which was disposed of with direction to the appellate court to decide the pending appeal by order dated 04.07.2022. It is further contended by learned counsel for the newly impleaded respondent that the writ petition is incompetent for the reason that the respondent nos. 6, 7, 12, 13, 14, 16, 21, 22, 23,

24 & 26 have died prior to filing of the writ petition.

6. Since there is already a revision preferred against the order dated 14.07.2021 and the appellate order 29.09.2022, no direction can be issued for compliance of the aforesaid order immediately.

7. However, in the interest of justice, the revision can be directed to be decided strictly in accordance with law in a time bound period.

8. Learned Standing Counsel, learned counsel for the Gaon Sabha as well as newly impleaded respondent do not have any objection to the same.

9. In view of the above, the pending revision being Revision No. 2597 of 2022, Computerized Case No. 820221436002597 (Ram Briksha Yadav Vs. Kumari Devi), before the Board of Revenue be decided by Board of Revenue strictly in accordance with law, after giving full opportunity to all the concerned parties as expeditiously as possible, preferably within a period of three months from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

10. With the aforesaid observation, the writ petition stands disposed of.

Order Date :- 22.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)