

Court No. - 52

Case :- WRIT - C No. - 29598 of 2023

Petitioner :- Ram Ratan

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Kunwar Bhadur Dixit

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Kunwar Bahadur Dixit, learned counsel for petitioner and Sri Anurag Dubey, learned counsel for respondent no.5 as well as Sri Prabhakar Tripathi, learned Standing Counsel for the State-respondent nos.1 and 2 who preferred an affidavit of compliance which is taken on record.

2. In pursuance of the order dated 08.11.2023 through which instructions have been sought through learned Additional Chief Standing Counsel with regard to apprising the latest fact in shape of compliance of the order dated 02.09.2021 passed by respondent no.2.

3. Today, pointed affidavit of compliance has been preferred through which it is transpired that order dated 02.09.2021 passed by the then Sub Divisional Magistrate Bhogaon, District Mainpur in Case No.2487 of 2021, Computerized Case No.T202101490302487 (Mahesh Chanda Vs. Ali Muhammad), under Section 134 of U.P. Revenue Code, 2006, has been complied with in true letter and spirit and the same has been substantiated by way of appending spot memo report dated 28.11.2023.

4. Sri Anurag Dubey, learned counsel for respondent no.5 submitted that a huge fraud has been taken place under the garb of order dated 02.09.2021 which has been sanctified vide order dated 08.11.2023 passed by this Court and having an impact over the revenue authorities that the order dated 02.09.2021 has been held justified by this Court.

5. A precise query made before learned counsel for respondent no.5 that at any point of time whether respondent no.5 challenged the order dated 02.09.2021, the same could not be replied by learned counsel due to want of information.

6. The present petition has been preferred by petitioner only for seeking order or direction in the nature of mandamus commanding the respondent no.2 to comply and execute the order dated 02.09.2021 by restoring the possession of petitioner which has been illegally encroached/possessed by respondent nos.3 to 7.

7. Considering the prayer as made in the petition, only certain instructions have been sought whereupon affidavit of compliance has been preferred by learned Standing Counsel which clearly shows that the order dated 02.09.2021 has already been complied with and as such, there is hardly any cause of action arises in favour of petitioner to pursue the instant petition.

8. Accordingly, the instant petition stands **disposed of**.

9. However, it is made clear that while passing this order, nothing has been determined over the illegality, sanctity or genuineness of the order dated 02.09.2021 that is left open for any of the parties whosoever is aggrieved by the same to put under challenge before appropriate forum of law defined under the statutory provisions contained in the U.P. Revenue Code, 2006.

Order Date :- 13.12.2023

Vivek Kr.