

**Court No. - 47**

**Case :-** WRIT - C No. - 30720 of 2023

**Petitioner :-** Narendra Deo

**Respondent :-** State Of U.P. And 8 Others

**Counsel for Petitioner :-** Brijendra Kumar Srivastava, Ram Murti Tripathi

**Counsel for Respondent :-** C.S.C., A.P. Singh, Abhay Raj Yadav, Achal Singh

**Hon'ble Manish Kumar Nigam, J.**

**C. M. Amendment Application**

1. Amendment application is allowed.
2. Learned counsel for the petitioner is directed to incorporate the amendment during the course of the day.

**Order on petition**

1. Supplementary affidavits filed today are taken on record.
2. Heard learned counsel for the parties and perused the record.
3. This writ petition has been filed for following prayer:

*"(A) Issue a writ order or direction in the nature of Certiorari quashing the impugned orders dated 29.05.2023 passed by the respondent No. 2 (Annexure No. 22) and order dated 01.06.2019 passed by respondent no. 3 (Annexed as Annexure Nos. 15) to the writ petition."*

4. Contention of the learned counsel for the petitioner is that in proceedings under Section 116 of U.P. Revenue Code, 2006 to which the petitioner was not party, an interim order has been granted on 01.06.2019 by the respondent no. 3. Against the order dated 01.06.2019, the petitioner has preferred revision before the Commissioner/ respondent no. 2 and the revision of the petitioner has also been dismissed. It is further contended by learned counsel for the petitioner that the issue before the Commissioner was whether the petitioner was a necessary party and whether he was not heard before passing the order dated 01.06.2019. Instead of deciding these issues, respondent no. 3, decided the revision on merits holding that the petitioner was in possession of excess land of the respondent which was beyond his jurisdiction.

5. Sri A. P. Singh, learned counsel appearing for respondent no. 6 who is the contesting respondent submitted that no useful purpose would be served in keeping

this petition pending. It would be appropriate that the order dated 29.05.2023 passed by respondent no. 2 in revision No. 813 of 2022 (Computer No. C202207000000813) (Pushpraj Singh v. Devendra Dev Dwiwedi & others) be set aside and the matter may be remanded to the respondent no. 3 i.e. Sub Divisional Officer, Manikpur, District Chitrakoot. Petitioner be permitted to move impleadment application and stay vacation application for recalling the order dated 01.06.2019 in the proceeding under Section 116 of U.P. Revenue Code, 2006, pending before the respondent no. 3, which should be decided by the respondent no. 3 within a time bound period. To this, learned counsel appearing for the petitioner, has no objection.

6. With the consent of parties, order dated 29.05.2023 passed by respondent no. 2 in revision No. 431 of 2023, is set aside and the matter is remanded to respondent no. 3 with liberty to the petitioner to move an application for impleadment and stay vacation application for recalling the interim order dated 01.06.2019.

7. In case, such an application is moved by the petitioner, the same shall be considered and decided by respondent no. 3 expeditiously, preferably within a period of three weeks from the filing of the aforesaid application along with copy of this order after hearing all the concerned parties and without being prejudiced by any findings recorded by this Court as well as revisional court in its order dated 29.05.2023.

8. With the aforesaid observation, this writ petition is disposed of.

**Order Date :- 8.11.2023**

Ved Prakash

**(Manish Kumar Nigam, J.)**