

Court No. - 49

Case :- WRIT - B No. - 3176 of 2023

Petitioner :- Ram Samujh And And 6 Others

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Satyendra Pratap Singh, Mangal Rai

Counsel for Respondent :- C.S.C., A.P. Singh

Hon'ble Syed Qamar Hasan Rizvi, J.

Civil Misc. Amendment Application No. 2 of 2023

1. Heard Sri Satyendra Pratap Singh, learned counsel for the applicants-petitioners and Sri A.P. Singh, learned counsel appearing for respondents no. 4 to 10.
2. This is an application for amendment in the memo of writ petition.
3. By means of the said application, the petitioner has sought the amendment to the effect that one Revision No. 3008/2022 has been filed against the judgment and order dated 07.10.2021 passed in Appeal No. 021172/2019 (Ram Samujh and others Vs. State of U.P. and others). The said revision was dismissed on 21.09.2023 as infructuous. The petitioner has further sought amendment in the grounds as well as in the prayer clause of the writ petition.
4. Sri A.P. Singh, learned counsel appearing for private respondents has no objection to the aforesaid amendments.
5. The amendment application is allowed.
6. Learned counsel for the applicants-petitioners is permitted to carry out the necessary amendments during course of the day.

Order on the writ petition

1. Heard Sri Satyendra Pratap Singh, learned counsel for the petitioners, Sri D.K. Verma, learned Standing Counsel appearing for the State-respondents no.1 to 3 and Sri A.P. Singh, learned counsel appearing for respondents no. 4 to 10.

2. By means of present writ petition, petitioners have challenged the order dated 23.08.2023 passed by learned Board of Revenue in Revision No. 2563/2021 (Ram Samujh and another Vs. State of U.P. and others), under Section 333 of U.P.Z.A. & L.R. Act.

3. Learned counsel for the petitioners has brought on record the order dated 21.09.2023 passed by learned Board of Revenue in Revision No. 3008/2022, under Section 333 of U.P.Z.A. & L.R. Act. By means of the said revision, the order dated 07.10.2021 was challenged. He submits that the aforesaid revision has been dismissed by the Board of Revenue treating it to be infructuous on account of the filing of the present writ petition.

4. The petitioners by means of the amendment made in the writ petition has now challenged the order dated 21.09.2023 also.

5. After arguing the matter at length, learned counsel for the petitioners submitted that he confines his prayer to the extent that a writ in the nature of mandamus be issued directing the Additional City Magistrate/ Assistant Collector Ist Class, Gorakhpur to decide Case No.19/21/30/33, under Section 229-B of U.P.Z.A. & L.R. Act (Ram Dularey and others Vs. Chhedi Lal and others), expeditiously.

6. In view of above, this Court is of the view that no useful purpose would be served in keeping the writ petition pending.

7. Considering the facts and circumstances of the case, without entering into the merits of the impugned orders, this writ petition is finally disposed of with direction to Additional City Magistrate/ Assistant Collector Ist Class, Gorakhpur to decide

Case No.19/21/30/33, under Section 229-B of U.P.Z.A. & L.R. Act (Ram Dularey and others Vs. Chhedi Lal and others), expeditiously, preferably within a period of six months from the date of production of a certified copy of this order.

8. It is made clear that this Court has not entered into the merits of the case and it is open for the parties to raise all their objections before the trial court and the trial court shall decide the case on its own merit after affording opportunity of hearing to the parties concerned strictly in accordance with law.

9. It is open for the petitioners to move an application for interim relief before the court concerned, on which, the trial court shall pass appropriate orders in accordance with law, say within a period of four weeks from the date of production of a certified copy of this order.

10. With the aforesaid directions, the writ petition is ***disposed of.***

Order Date :- 30.11.2023
Prajapati