

Court No. - 49

Case :- WRIT - B No. - 3250 of 2023

Petitioner :- Hukam Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Manu Sharma

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

Hon'ble Syed Qamar Hasan Rizvi, J.

Heard Shri Manu Sharma, learned counsel for the petitioner and Shri Jitendra Narain Rai, learned Additional Chief Standing Counsel for the State-respondents No. 1 to 3 and Shri Ravindra Prasad holding brief of Shri Kaushal Kishore Mani, learned counsel for the Gaon Sabha-respondent No. 4.

This Court vide order dated 26.9.2023 granted time to the learned Additional Chief Standing Counsel to seek instructions.

Today, Shri Jitendra Narain Rai, learned Additional Chief Standing Counsel submits that the instructions could not have been received, despite the fact that the letter was sent to the authority on 26.9.2023.

By means of the present writ petition, the petitioner has challenged the orders dated 1.5.2023 and 8.5.2018 passed by respondent No. 2-Board of Revenue.

The submission of learned counsel for the petitioner is that in an exactly identical and similar matter challenging the same judgement and order dated 4.9.2017 passed by the Sub Divisional Officer as well as the order dated 8.5.2018 passed by the learned Board of Revenue, this Court vide a detailed judgment and order dated 6.12.2022 passed in Writ-B No. 3293 of 202 has decided the bunch of petitions with a direction to the respondents-Sub Divisional Officer-respondent No. 3 to decide the suit afresh after framing proper additional issues in the suit and giving full opportunity to the parties to lead their evidence issue-wise with a further direction to the trial Court to decide the suits expeditiously, preferably within a period of six months, from the date of production of a certified copy of the order.

Learned Additional Chief Standing Counsel appearing on behalf of the State as well as the counsel for the Gaon Sabha do not dispute the aforesaid facts.

With the consent of learned counsel for the parties, the present writ petition stands **allowed** in terms of the order dated 6.12.2022 passed in a bunch of writ petitions with the leading case bearing Writ-B No. 3293 of 2022 (Rajesh and another vs. State of U.P. and others).

Order Date :- 31.10.2023

Sumaira