

Court No. - 47

Case :- WRIT - B No. - 3297 of 2023

Petitioner :- Chanda Rani

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sukesh Kumar

Counsel for Respondent :- C.S.C., Hari Narayan Singh

Hon'ble Manish Kumar Nigam,J.

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

2. This writ petition has been filed seeking following relief :-

"a) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 7.8.2023 passed by Member (Judicial) Board of Revenue Lucknow in Rev/835/2007-08/Etawah Computer Case No. R-200705190031781 (Chanda Rani vs. Radhey Shyam) u/s 219 Land Revenue Act 1908 and order dated 23.11.2007 passed by District Magistrate Etawah in Case No.04/2006 (Radhey Shyam Vs. Chanda Rani and others) u/s 219 of U.P. Land Revenue Act 1908.

b) Issue a writ, order or direction in the nature of mandamus commanding to respondents to stay the effect and operation of the impugned order dated 7.8.2023 passed by Member (Judicial) Board of Revenue Lucknow in Rev/835/2007-08/Etawah Computer Case No. R-200705190031781 (Chanda Rani Vs. Radhey Shyam) u/s 219 Land Revenue Act 1908 and order dated 23.11.2007 passed by District Magistrate Etawah in Case No.04/2006 (Radhey Shyam Vs. Chanda Rani and others) u/s 219 of U.P. Land Revenue Act 1908."

3. Name of the petitioner was recorded in the revenue record on the basis of an order dated 17.11.2006 passed u/s 34 of the Land Revenue Act, 1901 by Tehsildar Sadar, Etawah on the basis of sale deed dated 2.5.2003, executed by one Maya Devi. Against the said order, a revision was filed by respondent no.5 and the same was allowed by order dated 23.11.2007 and the matter has been remanded back on the ground that the matter is pending before Consolidation Court and therefore, proceedings were not maintainable. Against the said order a revision has been filed by the petitioner and the same has been dismissed by the Board of Revenue, vide its order dated 7.8.2023.

4. Courts below have recorded finding that property in dispute belonged to one Rampa Devi. Dispute as to

succession of Rampa Devi is pending between Radhe Shayam - respondent No.5 and Maya Devi, predecessor in interest of petitioner. Petitioner has also filed objection in Consolidation proceeding on the basis of sale deed in his favour.

5. In view of the findings recorded by the Appellate Court as well as Revisional Court, this Court is not inclined to interfere in the matter.

6. In view of the same, the present writ petition is devoid of merit and is accordingly **dismissed** with liberty to pursue the matter before Consolidation Courts.

Order Date :- 17.11.2023
Rishabh

[Manish Kumar Nigam, J.]