

Court No. - 51

Case :- WRIT - C No. - 33456 of 2023

Petitioner :- Anuranjan Singh

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

Counsel for Petitioner :- Ray Sahab Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed for mandamus directing respondent nos.2 to 4 not to construct the chakmarg in the plot no.239 area 1.6850 hectare, which belongs to petitioner as well as direct the respondent nos.2 to 4 to fix the pillars in pursuance of the order passed in the proceeding under Section 41 of U.P. Land Revenue Act, 1901.

3. Learned counsel for the petitioner submitted that the proceeding under Section 41 of U.P. Land Revenue Act, 1901 has been decided in favour of petitioner. He further the private respondents have filed appeal under Section 210 of U.P. Land Revenue Act, 1901. He next submitted that the appropriate direction be issued for fixation of pillars in pursuance of the order passed under Section 41 of U.P. Land Revenue Act, 1901.

4. In view of the pendency of the appeal under Section 210 of U.P. Land Revenue Act, 1901 being appeal no.C202202000001205 (Lal Chandra and Others vs. Raghvendra and Others) at the instance of the private respondents, it will be appropriate that the appeal pending under Section 210 of U.P. Land Revenue Act be decided first and thereafter petitioners prayer can be considered.

5. Considering the entire facts and circumstances, Additional Commissioner (Administration), Prayagraj is directed to decide the aforementioned pending appeal no.C202202000001205 (Lal Chandra and Others vs. Raghvendra and Others), under Section 210 of U.P. Land Revenue Act, 1901 in accordance with law after affording proper opportunity of hearing to both parties, expeditiously

preferably within a period of two months from the date of production of certified copy of this order before him.

6. With the above observations, the writ petition is finally disposed of.

Order Date :- 16.10.2023

Rameez