

Court No. - 51

Case :- WRIT - C No. - 35370 of 2023

Petitioner :- Dharmendra Kumar Saroj

Respondent :- State Of U.P. And 13 Others

Counsel for Petitioner :- Mool Chandra Mishra, Hari Shankar

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Mool Chandra Mishra, learned counsel for the petitioner, Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Land Management Committee.

2. The instant petition has been filed for mandamus directing the respondent no.4- Additional Commissioner (Judicial First), Varanasi Division, Varanasi to decide the impleadment application filed by the petitioner within stipulated period.

3. Learned counsel for the petitioner submitted that the suit under Section 229B of U.P.Z.A. & L.R. Act filed by the Mewalal was decreed. He further submitted that against the judgment and decree passed by the trial Court, restoration application was filed by respondent no.6 has been allowed and decree passed in the suit under Section 229B of U.P.Z.A. & L.R. Act has been set aside as well as direction was issued for recording the land as pond and bhita in the revenue records. He further submitted that against the order dated 27.5.2002 recording the plot has pond and bhita, revision was filed before the Commissioner, which is still pending even after expiry of more than 20 years. He next submitted that petitioner has applied for impleadment in the pending revision, as such, direction be issued for disposal of pending impleadment application as well as pending revision within stipulated period.

4. On the other hand, learned Standing Counsel and Counsel for the respondent- Gaon Sabha submitted that petitioner is not proper as well as necessary party to be impleaded in the pending revision, as such, no direction should be issued for the impleadment of the petitioner in the suit filed by the plaintiff against the State and Gaon Sabha. They further submitted that the petitioner can avail appropriate remedy for redressal of his grievance rather

for impleadment in the suit filed by the plaintiff- Mewalal.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the revision filed by the Mewalal now by his sons is pending before the revisional Court.

7. Considering the entire facts and circumstances, it will not be appropriate to issue direction for deciding the pending impleadment application in the pending revision arising out of suit under Section 229B of U.P.Z.A. & L.R. Act filed by Mewalal impleading State and Gaon Sabha.

8. Considering the entire facts and circumstances, the instant petition is finally ***disposed of*** directing respondent no.4- Additional Commissioner (Judicial- First), Varanasi Division, Varanasi to decide the pending Revision No.28 of 2002/ C-2002140000367, District- Jaunpur (Mewalal vs.Gauri Shankar & Others) in accordance with law on merit 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.

Order Date :- 31.10.2023

Rameez