

Court No. - 52

Case :- WRIT - C No. - 34674 of 2023

Petitioner :- Raj Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Akhilesh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Shri Akhilesh Kumar, learned counsel for the petitioner and Shri Vijay Pratap Singh, learned Additional Chief Standing Counsel appearing for the State respondents.
2. The instant writ petition has been preferred for seeking direction in the nature of mandamus commanding the respondent no. 2 for considering the candidature of the petitioner for extension of residential lease in their favour for Village Sarsawa, Tehsil Nakur, District Saharanpur.
3. Learned counsel for the petitioner submitted that petitioner belongs to the Scheduled Caste community and he is well under the ambit of zone of consideration for extension of residential lease, but at no point of time his name has ever been considered by the Land Management Committee which espouses cause of action in favour of the petitioner for filing the present petition directly before the High Court under Article 226 of the Constitution of India for seeking direction as mentioned above.
4. On precise query made before the learned counsel for the petitioner with regard to provision under which the direction has been sought and the same can be issued by this Court through respondent no. 2, learned counsel for the petitioner relied upon Section 63 and 64 of U.P. Revenue Code.

5. On plain reading of Section 63 of the U.P. Revenue Code, it demonstrates that there are only two modes for extension of residential lease in favour of eligible candidates, one is on own motion of the Sub-Divisional Officer and another one on the proposal made by by the Land Management Committee which has to be finally approved by Sub-Divisional Officer himself.

6. On another precise query made before learned counsel for the petitioner that at any point of time, whether the name of the petitioner has ever been considered by the Land Management Committee or not, he fairly submitted that the same has not been either appended or informed by the petitioner while filing the instant petition.

7. The direction as sought in the instant petition and the application preferred by the petitioner before respondent no. 2 does not contain any specific provision defined under the statutory law in shape of U.P. Revenue Code, 2006 and as such, the same cannot be accepted.

8. In view of the facts and circumstances, the instant writ petition is liable to be dismissed, however, the petitioner is at liberty to place a requisition before the Land Management Committee so that considering the other eligible candidate, his name may be considered at the time, if any proceeding be initiated for extension of residential lease specifically for Village Sarawa Tehsil Nakur, District Saharanpur.

9. The writ petition stands ***dismissed*** with above aforesaid observation.

Order Date :- 29.11.2023

Vipasha