

Court No. - 52

Case :- WRIT - C No. - 35822 of 2023

Petitioner :- Ram Kewal

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

Counsel for Petitioner :- Sachin Mishra, Anshu Pandey

Counsel for Respondent :- CSC

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Sachin Mishra, learned counsel for petitioner and learned Standing Counsel for the State-respondents.

2. Present writ petition has been filed seeking following reliefs:

"i. Issue a suitable writ order in the nature of certiorari quashing the illegal impugned order dated 15.06.2023 passed by respondent no. 4 during pendency of Appeal no. 1471 of 2023 pending before respondent no. 2 u/s 67(5) of U.P. Revenue Code, 2006 (being Annexure no. 3 to this writ petition).

ii. Issue a suitable writ of mandamus directing upon the respondent no. 2, 3 and 4 that they may not take any coercive action against the house situated on the Gata no. 1002 mi area 0.002 hectare and gata no. 1020 mi area 0.008 hectare in Village Bhaisaha, Tappa Chakdeiya, Pargana-Shajahanpur, Tehsil-Kasya, District-Kushinagar, otherwise the petitioner shall suffer grave irreparable loss and injury."

3. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met if, the case filed by petitioner under Section 67(A) of U.P. Revenue Code, 2006 bearing no. T202305440406769 and appeal filed by petitioner under Section 67(5) of U.P. Revenue Code, 2006 bearing no. 1471 of 2023 pending before respondent authorities are considered and decided in a time bound manner by respondent no. 2 & 3.

4. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no.2 & 3 to consider the grievance of the petitioner.

5. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.3 is hereby directed to consider and decide Case No. T202305440406769 (Ram Kewal Vs. Gram Panchayat, Bhaishah and another), under Section 67(A) of U.P. Revenue Code, 2006, as

expeditiously as possible, preferably within a period of two months from the date of production of certified copy of this order, after affording proper opportunity of hearing to all the parties. During pendency of the decision over the application preferred by petitioner under Section 67(A) of U.P. Revenue Code, 2006, effect and operation of order dated 15.06.2023 shall be kept in abeyance. Respondent no. 2 is hereby directed to initiate in the appeal preferred by the petitioner under Section 67(5) of U.P. Revenue Code, 2006 after adjudication of the application preferred by the petitioner under Section 67(A) of U.P. Revenue Code, 2006.

6. With the aforesaid directions, the writ petition stands **disposed of**.

Order Date :- 27.10.2023

Shaswat