

Court No. - 38

Case :- WRIT - C No. - 35613 of 2023

Petitioner :- Gopal Lal

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

Counsel for Petitioner :- Sushil Kumar Mishra

Counsel for Respondent :- CSC

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri R. N. Nigam under the authority of Shri Sushil Kumar Mishra, learned counsel for and petitioner and learned Standing Counsel for the State-respondents.

2. Considering the nature of the order that is proposed to be passed, the service of notice upon respondent No. 4 is being dispensed with.

3. The challenge in this writ petition is to the order dated 12.6.2023 passed by the Commissioner, Gorakhpur Division, Gorakhpur in appeal whereby the appeal has been allowed and the order dated 19.7.2022 passed in proceeding under Section 24 of the U.P. Revenue Code, 2006 (hereinafter referred to as the "Code, 2006") has been set aside and the matter has been remanded for decision afresh on the application under Section 24 of the Code, 2006.

4. Learned counsel for the petitioner has argued that father of the petitioner had filed his objection to the proceedings under Section 24 of the Code, 2006 and the proceedings were rejected. However, an appeal preferred by the respondent No. 5, under Section 24 (4) has been allowed. In appeal, the father of the petitioner, who had filed objections, was not impleaded as party respondent and the appeal also suffered from vice of limitation and yet the same has been allowed. It is contended that the order passed by the Appellate Authority-respondent No. 2 is patently erroneous and is liable to be set aside.

5. Having heard learned counsel for the petitioner and having perused the impugned order, this Court finds that the matter pertains to demarcation of certain plots and merely by the impugned order, the respondent No. 3 has been ordered to pass fresh orders on the Section 24 application.

6. In the opinion of the Court, the writ petition can be disposed of by permitting the petitioner to file his objections to the proceedings under Section 24 of the Code, 2006, which have been revived consequent to the impugned order.

7. Learned counsel for the petitioner submits that pursuant to the impugned order, the proceedings under Section 24 of the Code, 2006 have not been decided till date.

8. Without expressing any opinion on the merits of the case, the petitioner is permitted to file his objections to the said proceedings within a period of two weeks from today. On the objections being filed, the respondent No. 3 shall proceed to consider the objections of the petitioner and pass final order after hearing the petitioner and all other concerned and decide the proceedings under Section 24 of the Code, 2006 within a period of three months from the date of service of certified copy of the order of this Court.

9. The writ petition stands ***disposed of*** accordingly.

Order Date :- 13.10.2023

Ravi Prakash

(Ashutosh Srivastava, J.)