

Court No. - 47

Case :- WRIT - C No. - 35079 of 2023

Petitioner :- Gulab

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

Counsel for Petitioner :- Rahul Kumar Tripathi

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

Hon'ble Arun Kumar Singh Deshwal, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri Rahul Kumar Tripathi, learned counsel for the petitioner, Sri Himanshu Tripathi, learned counsel holding brief of Sri Bhupendra Kumar Tripathi, learned counsel for the Gaon Sabha and Sri Hari Mohan Srivastava, learned Additional Chief Standing Counsel appearing for the State respondents.
3. Present petition has been filed for the following relief :

"i) issue a writ, order or direction in the nature of mandamus directing the respondent no.2 i.e. Sub-Divisional Magistrate, Kerakat, District-Jaunpur to reconsider the application u/s 24 of the U.P. Revenue Code, 2006 bearing Case No. Nil (Gulab Vs. Gaon Sabha and others) of the petitioner and pass afresh order by directed to the revenue authority to get demarcation done by measuring Arazi No.1218 area 0.206 hectare situated in Village-Barai (Purev), Pargana-Bayalsi, Tehsil-Kerakat, District-Jaunpur in accordance with law."
4. Sole contention of learned counsel for the petitioner is that demarcation u/s 24 of UP Revenue Code, 2006 (hereinafter referred to as the 'Code, 2006') was conducted in his absence, therefore, he moved an application dated 15.07.2022 before the Sub Divisional Magistrate, Kerakat, District-Jaunpur. Though, on that application, Sub Divisional Magistrate, Kerakat, District-Jaunpur directed to conduct a fresh demarcation but the Revenue Inspector without going on the spot again submitted a report dated 15.07.2022 that the earlier demarcation was conducted in presence of the tenure holders of adjoining land, therefore, the same was absolutely correct and valid.

5. Next contention of learned counsel for the petitioner is that the fresh demarcation report as well as spot memo dated 15.07.2022 was prepared in the office without going on the spot as there is no signature of any *bhoomidhar* having adjoining the land to the *Arazi No.1218*.

6. Considering the aforesaid submissions, Sub Divisional Magistrate, Kerakat, District-Jaunpur is directed to conduct the process of demarcation in presence of the petitioner in the *bhoomidhar* in *Arazi No.1218*. This exercise will be conducted by Sub Divisional Magistrate, Kerakat, District-Jaunpur, within a period of one month, from the date of receiving the copy of this order.

7. With the aforesaid directions, the present application is **disposed of**.

Order Date :- 28.11.2023

S.Chaurasia