

Court No. - 52

Case :- WRIT - C No. - 35216 of 2023

Petitioner :- Ravindra And Another

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Pankaj Kumar Srivastava, Ambuj Srivastava

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Ambuj Srivastava, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"(I) Issue, a writ, order or direction in the nature of mandamus to respondent no. 3 not to proceed the case no. 03586/2020 computerized no. T202009600303586 under Section 24 of U.P. Revenue Code, 2006 during the pendency of Suit No. 31/07-08 under Section 198(4) pending before Upper Collector Saharanpur."

3. No useful purpose shall be served for keeping the writ petition pending as agreeable between the learned counsel for the parties.

4. The only grievances which has been raised through the instant petition that the fresh proceedings for demarcation has already been initiated during pendency of the proceeding under Section 198 (4) of U.P. Revenue Code, 2006 and as such the same is directly interfering in the peaceful possession of the plot pertains to the petitioner i.e. plot no. 198/2.

5. On a precise query made before learned counsel for the petitioner that how the rights or the possession over the plot is going to be disturbed if the proceedings under Section 24 of U.P. Revenue Code, 2006 shall be carried out, in response to the same learned counsel for the petitioner submitted that the petitioner is only entrusted to save their property which is recorded in the revenue records by way of not interfere in the area mentioned therein.

6. In view of the aforementioned facts and circumstances, respondent authorities are directed to carry out the proceedings under Section 24 of U.P. Revenue Code, 2006 which has already

been initiated. However, it is made clear that the possession of the petitioner over plot no. 198/2 measuring area 1.0240 hectare shall not be disturbed.

7. Writ petition stands ***disposed of*** accordingly.

Order Date :- 18.10.2023

Shaswat