

Court No. - 52

Case :- WRIT - C No. - 35271 of 2023

Petitioner :- Smt. Manju

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

Counsel for Petitioner :- Ayub Khan,Ainul Haq

Counsel for Respondent :- C.S.C.,Arun Kumar Pandey

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Ayub Khan, learned counsel for petitioner and Sri Ajay Kumar Barnawal, learned Standing counsel for respondent no. 1 to 3.

2. The present petition has been preferred for seeking direction in nature of certiorari to quash the impugned judgment and order dated 06.09.2023 passed by learned Commissioner, Moradabad Division, Moradabad/respondent no. 2 in Revision no. 1538/2023, computerised case no. C202313000001538 (Smt. Manju vs. Tukki Singh) under Section 219 of U.P. Land Revenue Act, 1901, order dated : 13.07.2023 & 28.07.2008 passed by Additional District Magistrate (Finance & Revenue), Sambhal/respondent no. 3.

3. Considering the nature of matter, provision of issue notice to private respondents is dispensed with.

4. The only arguments raised by learned counsel for petitioner is that the entire proceeding whatsoever has been initiated in pursuance to the application preferred by respondent no. 5 under Section 28 of U.P. Revenue Code, 2006 has been decided and culminated *ex parte* and the same has been endorsed at the level of the revision preferred by petitioner and decided vide order dated 06.09.2023 which impugned the present petition.

5. Once this fact has been revealed and admitted by the authorities that at no point of time, the petitioner has been heard over the application preferred which might adversely affect the rights and possession of the petitioner over plot pertains to him, it was mandatory on the part of the revenue authorities to provide proper opportunity of hearing to the petitioner.

6. In view of the aforementioned facts and circumstances, order dated 06.09.2023 passed by respondent no. 2 and 13.07.2023 &

28.07.2008 passed by respondent no. 3 is hereby set aside. Matter is remitted back to respondent no. 3 for deciding afresh within a period of six months from the date of production of certified copy of this order and after affording proper opportunity of hearing to all the parties.

7. Writ petition stands ***allowed*** accordingly.

Order Date :- 18.10.2023

Shaswat