

Court No. - 47

Case :- WRIT - C No. - 35508 of 2023

Petitioner :- Jamuna And 6 Others

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

Counsel for Petitioner :- Achche Lal Singh Yadav, Awadhesh Kumar Malviya

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

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. This instant petition has been filed seeking following relief :-

"i) To, issue a writ, order or direction in the nature of certiorari quashing the order impugned dated 30.04.2015 passed by the respondent no.2 in Revision No.C-2014140000992 as well as order dated 28.07.2014 passed by the respondent no.3 with regard to construction of chakroad in bhumidhari land of petitioners. (Annexure 2&7 respectively to the writ petition).

ii) To, issue a writ, order or direction in the nature of mandamus directing the respondents to remove illegal construction from bhumidhari land of petitioners or pay compensation to the petitioners of their acquired land, within stipulated period.

iii) To, issue a writ, order or direction in the nature of mandamus commanding the respondents to take necessary action and pass appropriate order against the erring officers."

3. By an order dated 7.8.2014, passed by the S.D.M. Jakhaniya, area 0.019 Arazi No.186 was directed to be recorded as rasta. Against the aforesaid order, revision was filed by the petitioner which has been dismissed by the Revisional Court i.e. Additional Commissioner (Second), Varanasi, Region Varanasi, on the ground that petitioner has no concern with Arazi No.186 and by the order of Court below, arazi No.187 belonging to the petitioners, has not been affected.

4. It has been contended by learned counsel for the petitioners that in proceedings u/s 28 of the U.P. Land Revenue Act, 1901, A.D.M. (Finance and Revenue), Ghazipur has passed the order dated 31.5.2023 for correction of map of Arazi Nos.186 and 187. It is further contended by learned counsel for the petitioners that Additional Commissioner (Second) has erred in law and has not considered the orders passed by the A.D.M. in proceedings u/s 28 of the Act, 1901 and the report submitted therein.

5. Since the map of the petitioners has been corrected in proceedings u/s

28 of the U.P. Land Revenue Act, 1901, petitioners ought to have moved an application u/s 24 of the U.P. Revenue Code, 2006 for demarcation of their land as per the corrected map.

6. In view of the same, this Court is not inclined to interfere with the orders challenged in the present writ petition. However, petitioner is at liberty to move an appropriate application u/s 24 of the U.P. Revenue Code, 2006. In case, the same is filed, the same may be decided in accordance with law, expeditiously, preferably within a period of three months, after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 26.10.2023

Rishabh

[Manish Kumar Nigam, J.]