

Court No. - 47

Case :- WRIT - C No. - 35978 of 2023

Petitioner :- Duryodhan Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Shashikant Pandey, Awadhesh Prasad

Counsel for Respondent :- CSC, Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the parties and perused the record.
3. The instant petition has been filed seeking following main relief :-

"i) Issue a writ, order or direction in the nature of certiorari quashing the entire proceeding of case no. T202314291102032 of 2023 (Gram Panchayat/Gram Sabha Versus Duryodhan Singh) pending before court of Tehsildar/Assistant Collector Tehsil Kasimabad, District Ghazipur under Section 67 of the U.P. Revenue Code, 2016 and be pleased to declare the proceeding bad in law, in view of judgment and order dated 02.12.2022 passed in civil misc. writ petition no. 6658 of 2022 reported in 2023 (1) ADJ 154.

ii) Issue a writ, order or direction in the nature of certiorari quashing the ex-parte notice/order dated 04.09.2023 (R.E.C. prapatra-20) issued/passed against the petitioner by the respondents under Rule 67(2) K 67(5) of U.P. Revenue Rules, 2016 (Annexure no.2) already has and are is bad in law, as non compliance of mandatory provisions of Rule 67(1) of Rule 2016 and judgment rendered in case of Rishi Pal Singh."

iii) Issue a writ, order or direction in the nature of mandamus restraining the respondents not to realized the amount of Rs. 3,75,000/- as penalty from the petitioner, during the pendency of the proceeding of case."

4. Learned Standing Counsel has raised a preliminary objection that objections have been filed by the petitioner in proceedings under Section 67 of the U.P. Revenue Code, 2006 and the writ petition is not maintainable against the issuance of the notice under Rule 67(2) of the U.P. Revenue Rules, 2016.

5. In view of the above, this Court is not inclined to interfere

with the matter.

6. However, petitioner may contest and press his objections before respondent no.2, who may conclude the proceedings, in accordance with law.

7. With the aforesaid directions, the writ petition stands **disposed of**.

Order Date :- 17.10.2023

Rishabh

[Manish Kumar Nigam, J.]