

Court No. - 40

Case :- WRIT - C No. - 36290 of 2023

Petitioner :- Tribhuwan Chaurasia And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashwani Mishra, Ashutosh Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Ashutosh Mishra, learned counsel for the petitioner and Sri Amrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.
2. Grievance of the petitioners is that in spite of the proceedings have been finalized under Section 24 of the U.P. Revenue Code, 2006 way back on 16.02.2020 but till date the actual demarcation has not been ensured by the respondents.
3. Sri Amrish Shukla, learned A.C.S.C. has raised preliminary objection regarding maintainability of the writ petition on the ground that the U.P. Revenue Code, 2006 is a self-contained Act wherein detailed procedure for carrying out actual demarcation has been provided under Section 24 of the Act read with Rule 22 of U.P. Revenue Code Rules, 2006, and has placed reliance upon Section 24(3) and (4) wherein it has been provided that every proceeding under this section shall, as far as possible, be concluded by the Sub-Divisional Officer within three months from the date of the application, and any person aggrieved by the order of the Sub-Divisional Officer may prefer an appeal before the Commissioner within thirty days. Even thereafter, the aggrieved person can press revision before the Board of Revenue. He submits that once the exhaustive procedure is provided therein for carrying out demarcation, the petitioner may press the relief before the competent revenue authority. He submits that the said forum cannot be by-passed under writ jurisdiction.
4. Confronted with this situation, learned counsel for the petitioners states that leave may be accorded to the petitioners to press the relief before the Revenue Authority.
5. With the leave as prayed by the petitioners, the writ petition is **disposed of**.

Order Date :- 16.11.2023

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