

Court No. - 51

Case :- WRIT - C No. - 36459 of 2023

Petitioner :- Smt. Anita Yadav

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

Counsel for Petitioner :- Vinod Kumar Yadav, Shashank Kumar

Counsel for Respondent :- C.S.C

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioner and Mr. Abhinav Ojha, learned Standing Counsel for State-respondents.

2. The instant writ petition has been filed for the following relief:

"(i) issue a writ, order or direction in the nature of mandamus commanding respondent No.3/Sub Divisional officer, Sikandarpur, Ballia to demarcate the land of petitioner consisting of Arazi No.798 total area .0290 hectare and Arazi No.318-Ka area .0101 hectare situated at Village-Gaura Madanpur, Pargana-Sikandarpur Purvi, Teshsil-Sikandarpur, District-Ballia and also to handover possession of the same to the petitioner.

(ii) issue a writ, order or direction in the nature of mandamus commanding respondent No.3/ Sub Divisional Officer Sikandarpur, Ballia to consider and decide the petitioner's application dated 26.09.2023 (Annexure No.6 to the writ petition) by a reasoned and speaking order within a stipulated period as fixed by this Honble Court may deem fit."

3. Learned counsel for the petitioner submitted that application dated 26.09.2023 for demarcation filed by petitioner before District Magistrate has not been disposed of as such appropriate direction be issued for demarcation of petitioner's plot No.798 and 318-ka in pursuance of the application dated 26.09.2023 filed by petitioner.

4. On the other hand, Mr. Abhinav Ojha, learned Standing Counsel submitted that application dated 26.09.2023 filed by petitioner is not proper application for demarcation rather petitioner should file proper application as provided under Section 24 of U.P. Revenue

Code,2006 read with Rule 22 of U.P. Revenue Code,Rules 2016 as such writ petition filed by petitioner is liable to be dismissed.

5. I have considered the arguments advanced by learned counsel for the parties and perused the record.

6. Perusal of the petitioner's application dated 26.09.2023 fully demonstrate that application dated 26.09.2023 cannot be entertained for demarcation of the holding as provided under Section 24 of U.P. Revenue Code, 2006 read with Rule 22 of U.P. Revenue Code,Rules 2016.

7. Considering the facts and circumstances of the case, the present petition stands **disposed of** finally directing the petitioner to file a fresh application under Section 24 of the U.P. Revenue Code, 2006 complying the provision of Rule 22 of the U.P. Revenue Code Rules 2016 within a period of two weeks from today before Sub Divisional Officer, Sikandarpur, Ballia, who shall register the application and decide the same as provided under Section 24 (3) of U.P. Revenue Code, 2006 after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 19.10.2023

PS*