

Court No. - 51

Case :- WRIT - C No. - 36995 of 2023

Petitioner :- Shahjad

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Vijay Prakash Chaturvedi

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Vijay Prakash Chaturvedi, learned counsel for the petitioner, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for respondent No.4/Assistant Collector / Tehsildar, Tehsil Itwa, District Siddharth Nagar.

2. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner praying for a mandamus directing respondent 4 / Tehsildar, Tehsil Itwa, District Siddharth Nagar to decide the Case No. T202317630300018 of 2023 under Section 67 of U.P. Revenue Code, 2006 within stipulated period.

3. Learned counsel for the petitioner submitted that on the basis of complaint of the petitioner, the instant proceeding under Section 67 of U.P. Revenue Code, 2006 has been registered against the private respondent which is still pending. He further submitted that appropriate direction be issued for early disposal of the pending proceeding.

4. Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for respondent no. 4 submitted that the instant petition on behalf of the petitioner is not maintainable. They further submitted that the proceeding has already been registered and the same shall be decided in accordance with law.

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

6. There is no dispute about the fact that the plot in dispute is recorded as Kabristan in the revenue record and the proceeding under Section 67 (1) of U.P. Revenue Code 2006 has been

registered against the private respondent.

7. The instant petition under Article 226 of the Constitution of India on behalf of the petitioner to expedite the pending proceeding is not maintainable.

8. The writ petition is dismissed as not maintainable with liberty to initiate proper proceeding in accordance with law.

Order Date :- 16.11.2023

Manoj