

Court No. - 47

Case :- WRIT - C No. - 36841 of 2023

Petitioner :- Maharaj Singh And 2 Others

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

Counsel for Petitioner :- Vipin Kumar Yadav

Counsel for Respondent :- CSC, Hari Narayan Singh

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Vipin Kumar Yadav, learned counsel for the petitioners, Sri Adarsh Tripathi, Advocate holding brief of Sri Hari Narayan Singh, learned counsel for the Gaon Sabha and Sri S.P. Singh, learned Standing Counsel for the State.

2. Present petition has been filed for following relief;

i. Issue a writ, order or direction in the nature of certiorari quashing the impugned recovery certificate dated 26.09.2023 issued by respondent no.3 against the petitioners in pursuance of Case No. T202303220503658-2023 (Gaon Sabha vs Maharaj Singh and others).

ii. Issue a writ, order or direction in the nature of mandamus directing the respondent no.3 not to further proceed the Case No.T202303220503658-2023 (Gaon Sabha vs Maharaj Singh and others), pending before the respondent no.3.

3. Contention of counsel for the petitioner is that the impugned notice dated 26.09.2023 is absolutely illegal and the same was issued without following the procedure as required under Section 67 of the U.P. Revenue Code, 2006.

4. After hearing the learned counsel for the parties and perusal of record, it appears that the impugned notice dated 26.09.2023 was issued in the proceeding of Case No. T202303220503658-2023 under Section 67 of U.P. Revenue Code, 2006 by which the petitioner was directed to submit his reply. Therefore, there is no illegality in the impugned notice.

5. However, petitioner is permitted to file reply to the notice dated 26.09.2023. In case, such a reply is filed by the petitioners within a period of 10 days from today, the concerned authority is directed to decide the same in accordance with law.

6. With the aforesaid direction, the petition is **disposed of**.

Order Date :- 28.11.2023

A.Kr.