

Court No. - 47

Case :- WRIT - C No. - 37774 of 2023

Petitioner :- Sirajul Hasan And 3 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Mithilesh Kumar Tiwari

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Manish Kumar Nigam,J.

1. Supplementary affidavit has been filed today, which is taken on record.

2. Heard learned counsel for the parties and perused the record.

3. This writ petition has been filed for the following relief:-

"(i). Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 05.05.2003 passed by respondent no.2 in Case No.122/1994-95 (State of U.P. Vs. Bhagwaniya and others), under Section 198(4) of U.P.Z.A. and L.R. Act and impugned order dated 20.03.2023 passed by respondent no.3 in Revision No.109 of 2007-08 (computerized case no.C201402000000433 (Sirajul Hasan and others Vs. State of U.P. and others) u/s 333 of U.P.Z.A. and L.R. Act (Anexure 3 & 6 to this writ petition)."

4. It has been contended by the learned counsel for the petitioners that during pendency of the revision, petitioners have been declared *Bhumidhar* by operation of law.

5. In a proceeding for cancellation of lease granted to the petitioners, petitioners filed an objections to the aforesaid proceedings, which were rejected by the order dated 05.05.2003. On the ground that the case under Section 198(4) is pending, which will be decided after the evidence of the parties. Against the order dated 05.05.2003, revision was filed by the petitioners which has also been dismissed.

6. Since proceedings under Section 198(4) are pending before the court below, it will be in the interest of justice that same may be

decided, in accordance with law, expeditiously, preferably within a period of three months after providing opportunity of hearing to all the parties. It will be open for the petitioners to raise all the objections including question of limitation.

7. With the aforesaid observation, this petition stands **disposed of**

Order Date :- 2.11.2023

Mini

(Manish Kumar Nigam, J.)