

Court No. - 51

Case :- WRIT - C No. - 37582 of 2023

Petitioner :- Baij Nath And 9 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Avadhesh Singh,Rajeev
Upadhyay

Counsel for Respondent :- C.S.C.,Rameshwar Prasad
Shukla

Hon'ble Chandra Kumar Rai,J.

1. In compliance of the order dated 8.11.2023, instruction dated 25.11.2023 is placed before the Court which is taken on record.

2. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents on the basis of the instruction dated 25.11.2023 submitted that plot No. 165 area 0.061 hectare, 168 kha area 0.093 hectare, 169 Ga area 0.045 hectare are recorded as banjar in C.H. Form 45. He further submitted that the same entry continued in the khatauni of 1428- 1433 fasli. He further submitted that petitioner- Baij Nath and others are bhoomidhar of plot No. 168 kha area 0.113 hectare. He further submitted that petitioner- Baij Nath and others are in possession over their bhoomidhari plot and there is no interference with the right, title and possession of the petitioners in any manner..

3. Counsel for the petitioners submitted that proceeding under Section 30 (2) of U.P. Revenue Code, 2006 is pending, as such, till the disposal of the aforementioned proceeding, the authorities be restrained from constructing water tank in the plot in dispute. He further placed the revenue records in order to demonstrate their right, title and possession in respect to the plot No. 168 kha.

4. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

5. The nature of the entry and the area of the respective plots are very much demonstrated from the revenue records annexed by the petitioners along with the writ petition as well

as by the State along with the instruction dated 25.11.2023.

6. Considering the averment made in the writ petition as well as the instruction, the instant writ petition is finally **disposed of** directing the respondent no.2, Additional Collector (Administration) Azamgarh, District Azamgarh to conclude the proceeding of case No. D202315060002626 under Section 30 (2) of U.P. Revenue Code, 2006 expeditiously after affording proper opportunity of hearing to the parties within period of **three months** from the date of production of certified copy of this order.

Order Date :- 30.11.2023

Vandana Y.