

Court No. - 47

Case :- WRIT - C No. - 37690 of 2023

Petitioner :- Akhand Pratap Sahi

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

Counsel for Petitioner :- Ramesh Chandra Dwivedi

Counsel for Respondent :- C.S.C., M J Akhtar

Hon'ble Manish Kumar Nigam, J.

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

2. The instant petition has been filed seeking following relief :-

"i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned order/notice dated 18.08.2021 (Annexure No.3 to the writ petition) issued by Tehsildar, Tehsil Kasya, District Kushi Nagar under section 67(2) of U.P. Revenue Code, 2006.

ii) Issue a writ order or direction in the nature of Mandamus directing the respondents not to proceed and interfere in possession of the petitioner in view of the notice issued by Tehsildar, Kasya, District Kushi Nagar in respect of Gata No.535 Kha area .006 Decimal, Ward No.11 Nagar Panchayat Fazil Nagar, District Kushi Nagar."

3. A preliminary objection has been raised by learned Standing Counsel that the petitioner has challenged the notice issued by respondents in proceeding u/s 67 of the U.P. Revenue Code, 2006. Petitioner may file an objection to the aforesaid notice and may get the proceedings decided.

4. Learned counsel for the petitioner states that he has already filed a detailed objections to the aforesaid notice.

5. In view of the above, this Court is inclined to interfere with the matter, at this stage.

6. Objections filed by the petitioner, if any, be considered and decided by the respondents' authorities, in accordance with law, by passing a reasoned order after providing an opportunity of hearing to all the concerned parties provided there is no other legal impediment.

7. With the aforesaid direction, this writ petition stands disposed of.

Order Date :- 1.11.2023

Rishabh

[Manish Kumar Nigam, J.]