

Court No. - 49

Case :- WRIT - B No. - 3704 of 2023

Petitioner :- Santlal

Respondent :- Board Of Revenue And 4 Others

Counsel for Petitioner :- Dilip Kumar Singh

Counsel for Respondent :- C.S.C.,Azad Rai,Sarvesh Kumar Mishra

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Vinod Kumar Pandey, Advocate holding brief of Sri Dilip Kumar Singh, learned counsel for the petitioner, Sri T.P. Gupta, learned standing counsel for the State-respondent nos. 1 & 2, Sri Azad Rai, learned counsel for the respondent no. 3 / Gaon Sabha and Sri Sarvesh Kumar Mishra, learned counsel appearing on behalf of the respondent no. 4 / Caveator.

2. The present writ petition has been filed assailing the order dated 4.10.2023 passed by the learned Board of Revenue, Prayagraj in Case No. REV/205/2019/Kaushambi, Computer Case No. AL2019024200205 (Sant Lal Vs. Gram Sabha) filed under Section 210 of U.P. Land Revenue Code, 2006 as well as the order dated 30.11.2018 passed by learned Tehsildar, Tahsil Manjhanpur, District Kaushambi in Case No. 1142/2017, Computer Case No. T2017024269031142 (Gram Sabha Vs. Sant Lal), under Section 67 of the aforesaid Act.

3. It is submitted that the order under Section 67 of the U.P. Land Revenue Code, 2006 was passed against the petitioner on 30.11.2018. Aggrieved by the said order, the petitioner preferred a revision under Section 210 of the U.P. Revenue Code, 2006 before the learned Board of Revenue. The said revision was dismissed vide order dated 04.10.2023 on the ground of maintainability. Learned Board of Revenue while rejecting the said revision has observed that Section 67(5) of the U.P. Revenue Code, 2006 provides an appeal before the Collector against the order passed under Section 67 of the said Act.

4. Learned standing counsel for the State and learned counsel for the respondent no. 4 / Caveator have opposed the writ petition on the ground of availability of alternative remedy of appeal under Section 67(5) of the U.P. Land Revenue Code, 2006.

5. Learned counsel for the petitioner submits that he does not want to press the present writ petition, at this stage. He prays that the present writ petition may be dismissed as withdrawn

with liberty granted to the petitioner to file statutory appeal under Section 67(5) of the U.P. Land Revenue Code, 2006 assailing the order dated 30.11.2018.

6. The writ petition is dismissed as withdrawn with liberty granted to the petitioner to avail the remedy of appeal as provided under Section 67(5) of U.P. Land Revenue Code, 2006, strictly in accordance with law.

Order Date :- 3.11.2023

Arif