

Court No. - 47

Case :- WRIT - C No. - 38408 of 2023

Petitioner :- Satyendra Pal Singh

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

Counsel for Petitioner :- Umeshkumar Mishra, Mithilesh Kumar Mishra

Counsel for Respondent :- C.S.C, Krishna Kant Singh

Hon'ble Manish Kumar Nigam, J.

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

2. This writ petition has been filed seeking following relief :-

"i) Issue a writ order or direction in the nature of mandamus commanding the respondent no.2 to decide the revision no. 1074 of 2023 (Satyendra Singh vs. State of U.P.). Computer case No.D2023180000001074, under section 210 of U.P. Revenue Code, 2006, pending before the Additional Commissioner (Judicial) Aligarh Region, Aligarh within a stipulated period as fixed by this Hon'ble Court.

ii) Issue a writ order or direction in the nature of mandamus commanding the respondents to not to interfere in peaceful possession of the petitioner and status quo shall be maintain."

3. Brief facts of the case are that the petitioner was allotted land of Arazi No.8 area 0.405 Hectare, Arazi No.13 area 0.607 Hectare, Arazi No.70, area 0.40 Hectare and Arazi No.213 Area 0.162 Hectare, situated at Village Mukharana, Pargana Marhara, Tehsil and District - Etah, in the year 1991.

4. Allotment of land was duly approved and the petitioner was put in possession over the land allotted to him and is continuously in possession of the same. In the year 2000, proceedings were initiated by the State Government for cancellation of patta/lease, granted to the petitioner, to which, objections were filed by the petitioner. The aforesaid case was registered as Case No.176. The aforesaid case along with other cases was decided by order dated 26.8.2003, passed by the Additional Collector (Finance and Revenue), Etah, in favour of the petitioner holding that the patta was granted in accordance with law and the

proceedings were dropped.

5. After the order dated 26.8.2003, another application was filed by one Bari Lal on 3.11.2003 for cancellation of patta granted to the petitioner. After receiving the notices, petitioner filed his objections to the aforesaid proceedings and by order dated 24.1.2006 passed by Additional Collector (Finance and Revenue), Etah, the aforesaid application was rejected. Against the order dated 24.1.2006, a revision being Revision No.583 of 2006 was filed by the complainant - Bari Lal before the Commissioner and the aforesaid revision is still pending. Again on 14.11.2019, another application was filed by one Raj Kamal u/s 128 of U.P. Revenue Code, 2006 for cancellation of patta in favour of petitioner. The aforesaid application was registered as Case No.1590 of 2019 (Raj Kamal vs. Om Prakash and others). Petitioner filed Writ C No.8008 of 2023 (Satyendra Pal Singh vs. Raj Kamal and three others) and in the aforesaid writ petition, an interim order has been granted by this Court on 16.3.2023 staying the further proceedings of Case No.1590 of 2019 ((Raj Kamal vs. Om Prakash and others) till further orders of this Court. The interim order granted is at page 93 of the paper book.

6. Contention of learned counsel for the petitioner is that after the proceedings were stayed by this Court, vide order dated 16.3.2023 passed in Writ C No. 8008 of 2023 (Satyendra Pal Singh vs. Raj Kamal and three others), *suo moto* proceedings were initiated by the S.D.M. Etah for cancellation of patta granted to the petitioner. After receiving the notices in the aforesaid proceedings, petitioner filed his objections. Respondent No.3, by order dated 24.6.2023, rejected the objections filed by the petitioner and by the said order has also cancelled the patta granted to the petitioner. Against the order dated 24.6.2023 passed by respondent No.3, petitioner preferred a Revision No.1074 of 2023 (Satyendra Singh vs. State of U.P.) before the Commissioner, Aligarh Mandal, Aligarh on 24.8.2023. The stay application was also moved by the petitioner on 29.9.2023 praying for stay of order dated 24.6.2023 passed by respondent No.3 and directing the parties to maintain status quo. It has been further contended by learned counsel for the petitioner that the revision, filed by the petitioner, has been admitted by respondent No.2 by its order dated 6.10.2023 but has not passed any order upon the stay

application, filed by the petitioner.

Learned counsel for the petitioner has relied upon the judgment of this Court passed in case of "**Avinash Sharma vs. Vimla Rani and others; 2013 (9) ADJ 163**" wherein this Court has held that when a regular appeal is filed and orders which are challenged have serious civil consequences, then in such matters judicial approach should be such that if appeal is admitted then operation of impugned order should be stayed so that parties are not affected during the pendency of appeal.

7. Learned Standing Counsel has opposed the aforesaid submission, however, he could not deny the fact that the revision filed by the petitioner has been admitted but no order has been passed on the stay application of the petitioner.

8. Considering the facts and circumstances of the case, I am of the view that no useful purpose would be served in keeping this writ petition.

9. Accordingly, the writ petition stands **disposed of** with a direction to respondent No.2 - Additional Commissioner (Judicial), Aligarh Region, Aligarh to decide the Revision No.1074 of 2023 (Satyendra Singh vs. State of U.P.), being Computerized Case No.D2023180000001074, u/s 210 of the U.P. Revenue Code, 2006, pending before him, in accordance with law, expeditiously, preferably within a period of **three months** from the date of a certified copy of this order produced before him, after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

10. Till disposal of the aforesaid revision, operation of the order dated 24.6.2023 passed by respondent No.3, shall remain stayed and the parties are directed to maintain status quo.

Order Date :- 7.11.2023
Rishabh

[Manish Kumar Nigam, J.]