

Court No. - 51

Case :- WRIT - C No. - 38272 of 2023

Petitioner :- Vali Mohammad

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ram Bilas Yadav,Ashutosh Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. R.B. Yadav, Counsel for the petitioner and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed for the following reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus directing the Sub Divisional Magistrate, Loni, Ghaziabad to ensure the compliance of the order dated 18.4.2017 passed by District Magistrate, Ghaziabad in case No. 1524 of 2017 and order dated 1.9.2023 passed on the application of petitioner dated 1.9.2023 (Annexure No.2 to the writ petition) in accordance with law.

(ii) Issue a writ, order or direction in the nature of mandamus directing the District Magistrate, Ghaziabad to consider and decide the application of petitioner dated 1.9.2023 (Annexure No. to the writ petition) by passing a reasoned and speaking order in accordance with law."

3. Counsel for the petitioner submitted that petitioner filed an application before Sub Divisional Officer in pursuance of the order passed by District Magistrate dated 18.4.2017. He further placed the application filed by petitioner dated 1.9.2023 before the District Magistrate with the prayer for necessary demarcation and delivery of possession.

4. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that petitioner should file proper application as provided under U.P. Revenue Code, 2006 in conformity with the provisions contained under Rule 22 of U.P. Revenue Code, Rules 2016.

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

6. There is no dispute about the fact that provisions for demarcation has been provided under Section 24 of U.P. Revenue Code, 2006, as such, petitioner should file proper application as provided under Section 24 read with Rule 22 of U.P. Revenue Code, Rules 2016 rather

miscellaneous application before the authorities.

7. The writ petition is **disposed of** directing the petitioner to initiate proper proceeding under Section 24 of U.P. Revenue Code, 2006 read with Rule 22 of U.P. Revenue Code, Rules 2016 which will be decided in accordance with law.

Order Date :- 6.11.2023

Vandana Y.