

Court No. - 48

Case :- WRIT - B No. - 3702 of 2023

Petitioner :- Jilebiya

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

Counsel for Petitioner :- Rajesh Yadav

Counsel for Respondent :- C.S.C., Vinod Kumar Yadav

Hon'ble Saurabh Shyam Shamshery, J.

1. Heard Sri Rajesh Yadav, learned counsel for petitioner, Sri A.C. Nishad, learned Standing Counsel for State-Respondents and Sri Vinod Kumar Yadav, Advocate for contesting-respondents.

2. I find merit in the argument of learned counsel for petitioner that admittedly petitioner was recorded in revenue record, however, without giving any notice to her proceedings were initiated purportedly under Section 27(3) of U.P. Consolidation of Holdings Act, 1953 and entries were expunged on ground being fictitious. Therefore, the principle of natural justice which required to be followed were violated.

3. Learned counsel appearing for respondents have not able to show any document or material that during hearing petitioner was afforded opportunity.

4. In view of above, the writ petition is disposed of with liberty to petitioner to file restoration application on above referred factual grounds. In case application is filed within two weeks from today, the same shall be considered and decided by concerned authority in accordance with law within a period of eight weeks from the date of filing of application, if there is no legal impediment.

Order Date :- 3.11.2023

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