

Court No. - 40

Case :- WRIT - C No. - 38734 of 2023

Petitioner :- Anand Bihari Garg

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Javed Husain Khan, Gulrez Khan

Counsel for Respondent :- C.S.C., Dinesh Kumar Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri J.H. Khan, learned Senior Counsel assisted by Shri Ramanuj Pandey, learned counsel for the petitioner; Shri Dinesh Kumar Singh, learned counsel appearing for respondent no. 6 and Ms. Subhra Singh, learned Standing Counsel appearing for the State-respondents.

2. In view of the order proposed to be passed, notices need not go to respondent no.7-Sahab Singh.

3. In pith and substance, the petitioner has approached this Court for a direction to the respondents to ensure that the proceeding, which was initiated under the order of Sub Divisional Magistrate dated 8.1.2021 may be finalised as per law. While finalising the proceeding, the respondents may also take due consideration of the communication dated 15.09.2022 issued by Nagar Palika Parishad, Bareilly and communication dated 16.6.2022 made by Asstt. Survey Commissioner, Waqf, Aligarh and further to ensure that suitable action be also taken against private individual/ revenue authority for making wrong entry in the revenue record.

4. Considering the facts and circumstances of the case, once we decline to entertain the writ petition on merits, learned Senior Counsel appearing for the petitioner submits that leave may be accorded to the petitioner to press the relief before the concerned District Magistrate.

5. In view of above, we **dispose of** the writ petition with observation that in case the petitioner approaches the concerned District Magistrate for ventilating his grievances, the same shall be considered and decided strictly in accordance with law expeditiously and preferably within two weeks from the date of production of certified copy of this order but certainly after giving opportunity to all the stake holders in the matter including respondent no.7.

Order Date :- 5.12.2023

Rama Kant