

Court No. - 51

Case :- WRIT - C No. - 38806 of 2023

Petitioner :- Palla Das

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

Counsel for Petitioner :- Avinash Pandey, Kaushal Kishore Mani

Counsel for Respondent :- C.S.C

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. Sridhar Tripathi, learned Standing Counsel for the State-respondents and Mr. Kaushal Kishore Mani, learned counsel for the respondent- Gaon Sabha.

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

"i. issue a writ, order or direction in the nature of mandamus commanding the Sub-Divisional Officer, Nakur, District- Saharnpur, respondent no.3 to the name of the petitioner may be directed to be mutated in the revenue record over Khasra No.263 area 0-3-0 biswa pukhta situated at Mauja Khajoor Kheri, Pargana- Sarsawa, Tahsil- Nakur, District- Saharanpur which was reserved for public abadi land.

ii. to call for a progress report from Sub-Divisional Officer, Nakur, District- Saharanpur, respondent no.3 on the application of the petitioner under Section 65 of U.P. Revenue Code, 2006 dated 28.10.2022 (Annexure No.6 to this writ petition)

iii. to issue a writ, order or direction in the nature of mandamus commanding the Sub-Divisional Officer, Nakur, District- Saharanpur, respondent no.3 to pass appropriate order within stipulated period on the application of the petitioner under Section 65 of U.P. Revenue Code, 2006 dated 28.10.2022 (Annexure No.6 to this writ petition)."

3. Learned counsel for the petitioner submitted that the application has been filed before respondent no.3 for the benefit of Section 67-A of U.P. Revenue Code, 2006. He further submitted that by mistake the provision has been wrongly mentioned in the application as Section 65 in place of Section 67-A of U.P. Revenue Code, 2006.

4. Mr. Shridhar Tripathi, learned Standing Counsel submitted that considering the averment made in the application dated 28.10.2022, which is annexed as Annexure No.6 to the writ petition, petitioner should file proper application before respondent no.3 rather application which has been annexed as Annexure No.6 to the writ petition.

5. I have considered the argument advanced by learned counsel for the

parties and perused the record.

6. The instant petition is finally disposed of directing the petitioner to file fresh application mentioning the correct provision of law within period of two weeks from today before respondent no.3 i.e. Sub-Divisional Officer, Tahsil-Nakur, District- Saharanpur, which shall be considered and disposed of in accordance with law within period of four months from the date of filing of fresh application along with the certified copy of this order before respondent no.3.

Order Date :- 29.11.2023

Rameez