

Court No. - 52

Case :- WRIT - C No. - 39322 of 2023

Petitioner :- Syed Iqtedar Hussain (Died) And 9 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Shravan Kumar Mishra, Salma Bano

Counsel for Respondent :- CSC, Azad Rai, S.M. Iqbal Hasan, Syed Badshah Husain Naqvi

Hon'ble Saurabh Srivastava, J.

1. Heard Shri Shravan Kumar Mishra, learned counsel along with Ms. Salma Bano Rizvi, learned counsel for the petitioner and Shri S.M. Iqbal Hasan, learned counsel along with Syed Badshah Husain Naqvi learned counsel for the respondent nos. 6 to 8 and learned Standing Counsel for the the respondent nos. 1 to 4.

2. The present petition has been instituted for challenging the order passed by respondent no.2 while deciding the revision under section 210 preferred by respondent nos. 6 to 8 through which the order dated 19.07.2009 and 24.02.2020 passed by respondent no.4 has been set aside and matter has been remitted back only for re-adjudication of the controversy raised by the petitioner, after careful consideration of the records which pertains during operation of the consolidation and thereafter. While assailing the order dated 23.08.2023, learned counsel for the petitioner submitted that once the adjudication has been made there was no occasion available for respondent no.2 for remitting back the matter again to the respondent no.3 for re-adjudication. The legal arguments as raised by learned counsel for the petitioner that once the respondent nos. 6 to 8 were not party during proceedings finalized by respondent no.3 under Section 33 and 39 of U.P.Z.A & L.R Act, they are not entitled to prefer revision before the respondent no.2 under Section 210 of U.P. Revenue Code, 2006.

3. Shri S.M. Iqbal Hasan, learned counsel for the respondent nos. 6 to 8 vehemently opposed the prayer as made in the petition as well as the stand taken by the learned counsel for the petitioner & relied upon the judgements rendered by Hon'ble Supreme Court as well as by the co-ordinate bench of this Court in case of **Anand Kumar Singh and Another Vs. State of U.P. and Others 2017 6 ADJ**

728, Pratap Singh Vs Board of Revenue at Allahabad and Others 2018 1 ADJ 317, Udai Bhan Singh Vs. The Board of Revenue, U.P. Allahabad 1974 0 AIR (ALL) 202, Garikapati Veeraya Petitioner Vs. N. Subbiah Choudhary and other Respondents AIR 1957 SUPREME COURT 540, through which apprise to demonstrate that once the respondent nos.6 to 8 were aggrieved with the order passed by respondent no.3 they were entitled to prefer the revision under Section 210 of U.P. Revenue Code, 2006 and no prejudice has been caused to the petitioner by the order dated 23.08.2023 since the matter has only been remitted back without deciding any issue in favour of any of the parties.

4. The precise query has been made before Shri Shravan Kumar Mishra, learned counsel for the petitioner with regard to the re-adjudication of the matter by the respondent no.3 caused any prejudice, the only reply submitted that again the petitioner has to face prolong proceedings which has already been gone through and will come up upto the level of the determination drawn by respondent no.3 vide order dated 19.07.2019 and 24.02.2020. However, learned counsel for the petitioner showed his agreement if any specific direction be given to the respondent no.3 for adjudication of the controversy as directed by respondent no.2 within time frame.

5. Be that as it may, without interfering into the merits of the matter, respondent no.3 is hereby directed to comply with the direction given by respondent no.2 vide order dated 23.08.2023 as expeditiously as possible preferably within a period of six months from the date of production of a certified copy of this order. But, at the same time respondent no.3 be conscious for following the principles of natural justice by way of affording due opportunity of hearing to all parties.

6. Accordingly, this writ petition stands **disposed of**.

7. During the pendency of the matter before the respondent no.3 all the parties are hereby directed to maintain the status quo.

Order Date :- 23.11.2023/A Gautam