

Court No. - 47

Case :- WRIT - C No. - 38837 of 2023

Petitioner :- Amit Kumar

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

Counsel for Petitioner :- Vipin Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following relief:

"i) Issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 18.08.2023 passed by respondent no. 3.

ii) Issue a writ, order or direction in the nature of Mandamus commanding respondents to maintain status quo over the land in dispute i.e. Aarazi no. 308 situated at Village- Usrahi, Tehsil- Soraon, District- Prayagraj."

3. Brief facts of the case are that in proceedings under Section 24 of U.P. Revenue Code, 2006, being Case No.T202102030312008 of 2023 (Amit Kumar Vs. Bhola and others) an injunction order dated 17.01.2021 was passed by the S.D.M.-respondent No. 3, restraining the parties to raise construction. After the order, petitioner has sold the property to the respondent Nos. 4 and 5, but has disputed the payment of consideration of the sale-deed by the respondent Nos. 4 and 5. An application was filed by the respondents Nos. 4 and 5 for recalling the order dated 17.01.2021 and upon the application of the respondent Nos. 4 and 5, respondent No. 3 has passed order dated 18.08.2023 recalling the order dated 17.01.2021 on the ground that the petitioner has sold the property in dispute and has left with no interest in the property.

4. Contention of the learned counsel for the petitioner is that as the sale consideration has not paid by the respondent no. 4 & 5, they are not the owner of the land in dispute and respondent no. 3 has erroneously passed the order dated 18.08.2023.

5. I am not inclined to interfere in the matter as there are several disputed questions of fact involved in the matter. Since the proceedings under Section 24 of the U.P. Revenue Code, 2006 are pending and all the parties have appeared before the court below, it would be appropriate that the proceedings under Section 24 of U.P. Revenue Code, 2006 shall be decided within a period of one month from the date of production of a certified copy of this order, in accordance with law, after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

6. With the aforesaid observation, the petition is **disposed of**.

Order Date :- 8.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)