

Court No. - 47

Case :- WRIT - C No. - 39151 of 2023

Petitioner :- Ahmad Jaan And 2 Others

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Surendra Nath Tripathi

Counsel for Respondent :- C.S.C., Arun Kumar Pandey

Hon'ble Manish Kumar Nigam, J.

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

2. The instant petition has been filed seeking following relief :-

"i) issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to decide the cancellation Suit No.D202313590001867 under Section 128 U.P. Revenue Code (Har Bhajan and others Versus Ashif Khan and others) which is pending before the Respondent No.2.

ii) issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to maintain status quo till the disposal of present cancellation of lease case, which is pending before the District magistrate, District Rampur.

iii) issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in peaceful possession of the agricultural land."

3. Contention of learned counsel for the petitioners is that patta was granted to the petitioners on 23.4.1994, which has not yet been cancelled to the best of petitioners' knowledge. Now again, patta of the same land has been granted in favour of respondents No.4 to 9 on 14.3.2023. After coming to know about patta granted to respondents No.4 to 9, petitioners moved an application u/s 128 of the U.P. Revenue Code, 2006 for cancellation of the same along with stay application. Aforesaid proceedings are pending and the stay application, filed by the petitioners, has not been decided.

4. In view of the fact that petitioners have been granted patta in the year 1994 and they are continuing in possession, it is in the interest of justice that the stay application, filed by the petitioners, be considered and

decided.

5. Considering the facts and circumstances of the case, respondent No.2 - District Magistrate, Rampur is directed to consider and decide the stay application, filed by the petitioners, within a period of **two months** from the date of certified of this order be produced before respondent No.2 and after giving opportunity of hearing to all the concerned parties provided there is no other legal impediment.

6. Till the disposal of the stay application, parties are directed to maintain *status quo*.

7. With the aforesaid directions, the writ petition stands **disposed of**.

Order Date :- 9.11.2023

Rishabh

[Manish Kumar Nigam, J.]