

Court No. - 52

Case :- CIVIL MISC REVIEW APPLICATION No. - 523 of 2023

Applicant :- Rajendra Kumar

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Ram Raj Prajapati, Dinesh Kumar Maurya

Counsel for Opposite Party :- C.S.C.

Hon'ble Saurabh Srivastava, J.

Heard Sri Ram Raj Prajapati, learned counsel for applicant/petitioner and Sri Tarun Gaur, learned Standing Counsel.

2. The review has been sought in respect of order dated 03.10.2023 through which the petition was disposed of in pursuance of the instructions submitted by learned Standing Counsel, wherein Sri Dinesh Kumar Maurya, learned counsel for petitioner has been heard, it is specifically mentioned in the instructions that no encroachment has been made over plot in dispute and as such there was hardly any cause of action surviving in favour of petitioner and the matter was disposed of.

3. The present review application has been preferred on the basis of fresh cause of action by way of highlighting that no demarcation proceedings has been carried out and by perusal of report produced by the authorities with regard to illegal encroachment of chakroad has been removed, whereas from perusal of the report submitted by concerned Lekhpal, it is fully evident that authority has not properly demarcated the chakroad.

3. After having the arguments raised by learned counsel for applicant, the grounds mentioned in the application are not in nature over which review application may be entertained, however these are the fresh cause of action and as such, if the petitioner is still aggrieved, he is at liberty to prefer proper proceedings as mentioned in the statutory provisions contained in U.P. Revenue Code, 2006.

4. In view thereof, the review application stands **dismissed**.

Order Date :- 4.12.2023

Vivek Kr.