

Court No. - 49

Case :- WRIT - B No. - 3788 of 2023

Petitioner :- Jai Bharat Higher Secondary School

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

Counsel for Petitioner :- Manu Khare

Counsel for Respondent :- C.S.C.,Kaushal Kishore Mani

Hon'ble Syed Qamar Hasan Rizvi,J.

Heard Shri Manu Khare, learned counsel for the petitioner and Shri Awadhesh Kumar Patel, learned Standing Counsel for State-respondents No. 1 to 4 and Shri Ravindra Prasad holding brief of Shri Kaushal Kishore Mani, learned counsel for respondent No. 5 and perused the record of the case.

The precise argument, as advanced by the learned counsel for the petitioner, is that the revision bearing case No. REV/531/2020/Muzaffarnagar (Jai Bharat Higher Secondary School vs. Sub Divisional Officer Sadar Muzaffarnagar) is pending for adjudication under Section 210 of U.P. Revenue Code, 2006 before the Board of Revenue.

The submission of Shri Manu Khare is that initially the Board of Revenue vide order dated 2.9.2020 granted an interim order of status quo. However, vide order dated 5.6.2023, the aforesaid revision was dismissed by a detailed order. The submission of learned counsel for the petitioner is that due to the death of the learned counsel appearing on behalf of the petitioner before the Board of Revenue, the case could not be persuaded, and as such it was dismissed vide order dated 5.6.2023 without properly appreciating the merits of petitioner's case. Subsequently, vide impugned order dated 22.8.2023 the revision was however, restored to its original number, but the interim order dated 2.9.2020 remained vacated.

This Court vide order dated 9.11.2023 granted time to the learned Standing Counsel to seek instructions in the matter.

Shri Awadhesh Kumar Patel, learned Standing Counsel submits that he has received the instructions from the Sub Divisional Officer, Muzaffarnagar and on the basis of the said instructions, he states that the property in question is in possession of the Gaon

Sabha, however, the same is lying vacant.

Admittedly the learned Board of Revenue is ceased with the matter and the revision has already been restored to its original number, as such, in the present set of circumstances this Court deems it appropriate to finally disposed of the present writ petition with a liberty granted to the petitioner to move a detailed application for interim relief narrating therein all the facts and his grievances before the Board of Revenue within a period of ten days from today.

In case, if any such application is moved within the aforesaid period, the same shall be disposed of by the Board of Revenue/respondent No. 3 strictly in accordance with law within a maximum period of four weeks from the date of filing of the aforesaid application along with the certified copy of this order.

It is provided that till the disposal of the aforesaid application or for a period of four weeks from the date of filing of the said application, whichever is earlier, there shall be an status quo in respect of the nature and possession of the property in question.

The benefit of this order shall be available to the petitioner only if he moves the aforesaid application within the stipulated time.

It is made clear that the learned Board of Revenue shall decide the above mentioned application on its merits without being influenced or prejudiced by this order of status quo granted by this Court.

Order Date :- 2.12.2023

Sumaira