

Court No. - 51

Case :- WRIT - C No. - 39384 of 2023

Petitioner :- Dinesh Kumar And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Shashi Dhar Goswami, Suresh Srivastava

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for respondent No.5/ Gaon Sabha.

2. The instant writ petition has been filed for following reliefs :-

(a) issue direction / order mandamus the respondent no. 2 and 3 be directed to decide the application / representation dated 12.11.2021 which is pending before them, within stipulated period as this Hon'ble Court thinks fit and proper under the circumstances of the case narrated above, otherwise petitioner will suffer irreparable loss and injury.

(b) issue any suitable order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

(c) award the cost of the petition to the petitioner.

3. Learned counsel for the petitioner submitted that the residential lease was executed in favour of the petitioner in respect to plot no. 430 area 0009 hectare and 0.010 hectare on 01.01.2021. He further submitted that the petitioner has approached the authorities by way of application for delivery of possession over the land allotted to the petitioner but no steps has been taken by the authorities. Hence, this writ petition.

4. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that the petitioner should apply under Section 65 of the U.P. Revenue Code, 2006 rather writ petition before this court or miscellaneous application before the respondent authority .

5. I have considered the arguments advanced by learned counsel for the parties and perused the record.

6. There is no dispute about the fact that the petitioner was granted residential lease on 01.01.2021.

7. So far as, the delivery of possession is concerned, the remedy has been provided under Section 65 of the U.P. Revenue Code 2006.

8. The instant writ petition is finally disposed of with observation that the petitioner should initiate proper proceeding under Section 65 of U.P. Revenue Code, 2006 in accordance with law which shall be decided in accordance with law.

Order Date :- 16.11.2023

Manoj