

Court No. - 52

Case :- WRIT - C No. - 38942 of 2023

Petitioner :- Pankaj Sharma

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Kamal Kumar Kesherwani, Akash Kushwaha

Counsel for Respondent :- C.S.C., Achal Singh

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Kamal Kumar Kesherwani, learned counsel for petitioner and Sri Rajkumar Singh, learned Standing Counsel for the State-respondents as well as Sri Ambuj Srivastava, Advocate holding brief of Sri Achal Singh, learned counsel appearing on behalf of Gram Sabha.

2. Present petition has been instituted for challenging the order dated 23.03.2022 passed by respondent no.3 in Case No.971 of 2021 (Gaon Sabha Vs. Pankaj Sharma), under Section 67 of U.P. Revenue Code, 2006.

3. It is submitted by learned counsel for petitioner that for seeking recall of the order dated 23.03.2022, an application has already been preferred by petitioner which is still pending to be decided till today but during pendency of the said recall application, responding authorities are adamant to execute the order dated 23.03.2022 which is adversely affecting the rights of petitioner since the construction whatsoever has been determined as illegal, is maintained for a considerable period of time and there is hardly any alternative residing place is available to the petitioner and his family.

4. Considering the pendency of recall application, petitioner is hereby directed to prefer an application for seeking interim protection during pendency of recall application which has been preferred for recalling the order dated 23.03.2022.

5. If any application for seeking interim relief is preferred by petitioner within 15 days from today, the same shall be considered by respondent no.3 within a period of one month from the date of filing of the interim application.

6. Learned counsel for petitioner rendered his undertaking over the instructions that application for seeking interim relief shall possibly be filed within 15 days from today, the responding

authorities are directed not to give effect to the order dated 23.03.2022 till filing of the application as proposed by learned counsel for petitioner.

7. Writ petition stands **disposed of** accordingly.

Order Date :- 21.11.2023

Vivek Kr.