

Court No. - 51

Case :- WRIT - C No. - 39910 of 2023

Petitioner :- Kumari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Surendra Kumar,Ajay Kumar Giri

Counsel for Respondent :- C.S.C.,Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Ajay Kumar Giri, learned counsel for the petitioner, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gaon Sabha.

2. The instant petition has been filed for the following relief:

"i. issue a writ, order or direction in the nature of mandamus commanding and directing to the respondent no.2 to decide the representation dated 22.10.2023 to secure the crops and permit to use the bhumudhari land by the petitioner."

3. Learned counsel for the petitioner submitted that the revision filed by the petitioner under Section 333 of U.P.Z.A. & L.R. Act arising out of proceedings under Section 198 (4) of U.P.Z.A. & L.R. Act was dismissed for non-prosecution on 24.5.2023. He further submitted that the restoration proceedings against the order dated 24.5.2023 was initiated at the instance of the petitioner, which was pending at the time of filing of the instant petition but authorities are interfering with the standing crops of the petitioner, hence this writ petition. He further submitted that after filing of the writ petition, restoration application filed by the petitioner against the order dated 24.5.2023 has been allowed and revision has been restored to its original number. He further submitted that appropriate direction be issued for the disposal of the pending revision and during pendency of the revision, interim protection be granted in favour of the petitioner in respect to the plot in dispute.

4. Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gaon Sabha submitted that the petitioner's lease was cancelled in the year 2016 and restoration application filed by the petitioner was dismissed in the year 2021, as such, petitioner should avail proper remedy in the pending revision rather writ petition before this Court or miscellaneous application before the authorities. They further submitted that no interference is required in the matter.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the revision filed by the petitioner being Revision No.REV/2004/2022/Ghazipur, Computerized Case No.AL20231429003477 (Kumari Vs. Additional Collector, Ghazipur and Others) is pending before the Board of Revenue, U.P., Prayagraj.

7. In view of the pendency of the petitioner's revision before the Board of Revenue, U.P., Prayagraj, the instant petition is finally **disposed of** directing the Board of Revenue, U.P., Prayagraj to decide the petitioner's Revision No.Revision No.REV/2004/2022/Ghazipur, Computerized Case No.AL20231429003477 (Kumari Vs. Additional Collector, Ghazipur and Others), under Section 333 of U.P.Z.A. & L.R. Act on merit in accordance with law after affording proper opportunity of hearing to both parties, expeditiously preferably within a period of three months from the date of production of certified copy of this order before Board of Revenue, U.P., Prayagraj.

8. It is further observed that the petitioner can file appropriate application in the pending revision for interim protection, which shall be considered by the Board of Revenue, U.P., Prayagraj in accordance with law before deciding the aforementioned revision on merit.

Order Date :- 12.12.2023
Rameez