

Court No. - 47

Case :- WRIT - C No. - 40557 of 2023

Petitioner :- Dr Vinay Kumar Gupta

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

Counsel for Petitioner :- Subhash Chandra Pandey, Bhagwan Dutt Pandey

Counsel for Respondent :- C.S.C

Hon'ble Manish Kumar Nigam, J.

1. Heard learned Counsel for the parties and perused the record.
2. The present writ petition has been filed for the following relief:

"I. issue a writ, order or direction in the nature of certiorari quashing the entire proceeding of case being Case No.4314 of 2023 Computerized Case No.T202313590304314 under Section 34 of UP Revenue Code, 2006, pending in the court of Tehsildar, Tehsil Swar, District Rampur as well as order dated 26.10.2023 passed by respondent no.2, Tehsildar, Tehsil-Swar, Rampur."
3. Contention of learned Counsel for the petitioner is that as the title suit is pending between the parties, the proceedings under section 34 of the Revenue Code are not maintainable. It has been further contended that the petitioner moved an application raising objection that the proceedings are not maintainable, the respondents are proceeding with the matter without deciding the application moved by the petitioner.
4. Since, the proceedings under Section 34 are pending, I am not of the view to interfere in the pending proceedings. In case, any such application is pending, the same shall be considered and decided at the time of final decision of the proceedings.
5. Accordingly, the writ petition is dismissed.

Order Date :- 24.11.2023

Priya