

Court No. - 47

Case :- WRIT - C No. - 40158 of 2023

Petitioner :- Santosh Kumar

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

Counsel for Petitioner :- Akank Kumar Jain

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned Counsel for the parties and perused the record.
3. The present petition has been filed for the following relief:

(i) Issue a suitable writ, order or direction in the nature of certiorari quashing the impugned order dated 3.11.2023 passed by the Addl. Commissioner-II (Administration), Kanpur Division, Kanpur in Case No.798 of 2022 (Computerized Case No.C202203000000798) (Santosh Kumar Vs. Smt. Padmja) under Section 210 of the U.P. Revenue Code, 2006 and the impugned order dated 24.02.2022 passed by the Naib Tehsildar, Kampil, Tehsil Kayamganj, District Farrukhabad in Case No.5271 of 2021 (Computerized Case No.T202103240205271) (Santosh Vs. Ram Sanahi) under Section 34 of the U.P. Revenue Code, 2006 (Annexure Nos.9 and 4 to the writ petition).

4. This petition has been filed by the petitioner claiming himself to be brother-son of the deceased Ram Sanahi son of Heera. It has been contended by learned Counsel for the petitioner that the proceedings under Section 34 were initiated and has been decided against the petitioner without issuing notices to him. Revision filed by the petitioner has also been rejected. It has been further contended that respondent nos.4 and 5 who claims themselves to be the daughters of the deceased Ram Sanahi, are not daughters of the Ram Sanahi. The revisional court has recorded a categorical finding that the order was passed after issuing notices and service upon the petitioner with a further finding that Ram Sanahi son of Heera was the only son of his father and was having no brother, and, therefore the claim of the petitioner is doubtful. This specific finding given by the revisional court has not at all been challenged in the writ petition. Even otherwise the mutation proceedings are summary proceedings and in view of fact that the serious disputed questions of facts are involved in the present writ petition, I am not inclined to interfere in the matter.

5. The writ petition is **dismissed** with liberty to the petitioner to get his right declared in regular titled proceedings.

Order Date :- 8.12.2023

S. Singh