

Court No. - 47

Case :- WRIT - C No. - 40243 of 2023

Petitioner :- Hari Prasad

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

Counsel for Petitioner :- Santosh Kumar Tiwari

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

Hon'ble Manish Kumar Nigam,J.

1. Learned Counsel for the petitioner is permitted to add the District Magistrate as respondent in the array of parties during the course of the day.

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 writ, order or direction in the nature of certiorari quashing impugned order dated 21.09.2023 passed by the respondent no.3 in Case No.3632 of 2023 (Computerized Case No.T2023-07190103632) (Gaon Sabha Vs. Hari Prasad), under Section 67 of the U.P. Revenue Code, 2006 as well as Recovery Citation dated 31.10.2023 issued from the office of respondent no.3.

ii. Issue a writ, order or direction in the nature of mandamus commanding and direction the respondent revenue authorities to restore the possession of the petitioner over the land of Khata No.00357, Gata No.810MI, area 0.0044 Hectare out of total area 0.105 Hectare.

iii. Issue a writ order or direction in the nature of mandamus commanding and direction the respondents to not realize the amount as mentioned in the Recovery Citation from the petitioner during the pendency of the instant writ petition before this Hon'ble Court.

4. Contention of learned Counsel for the petitioner is that proceedings under Section 67 were decided against the petitioner vide order dated 21.9.2023. By the aforesaid order a penalty of Rs.9,24,000/- has been imposed upon the petitioner. It has been further contended that the appeal has been filed by the petitioner on 25.9.2023, which is pending consideration. During the pendency of the appeal, the respondents have issued a recovery citation.

5. Learned Standing Counsel has stated that since the appeal is pending, let the same be decided expeditiously .

6. No useful purpose would be served in keeping this petition pending.

7. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands **disposed of** finally with a direction to the newly impleaded respondent, District Magistrate, Chitrakoot to consider and decide the appeal in accordance with law within a period of three months from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and provided that there is no other legal impediment.

8. Till disposal of the appeal, parties are directed to maintain status quo.

9. This order is being passed in the presence of Sri Achal Singh, learned Counsel for the Gaon Sabha.

Order Date :- 1.12.2023

S. Singh