

Court No. - 49

Case :- WRIT - B No. - 3902 of 2023

Petitioner :- Kamlesh Kumar Jaiswal And 2 Others

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

Counsel for Petitioner :- Ashwaini Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Ashwani Mishra, learned counsel for the petitioners and Shri T.P. Gupta, learned Standing Counsel for the State-respondents No. 1 to 4 and perused the record.

2. The contention of learned counsel for the petitioners is that the revision under Section 209 of the Land Revenue Act, 1901 bearing case No. REV/2235/2023/Sonbhadra, computerized case No. R20231666002235 (Nand Lal vs. Arun Kumar and Company through its manager Dev Krishna) is pending for adjudication in respect of the same property. He further submits that the said revision has already been admitted vide order dated 21.8.2023. By means of the said order, the learned Board of Revenue while admitting the said revision has granted an interim order to the effect that no third party right shall be created in respect of the property in question.

3. In paragraph No. 11 of the said writ petition, the petitioners have stated that the petitioners and his family have the possession on the land even before the fasli year 1385 and they are living there and cultivating the same, hence the petitioners and his family members are entitled to get the benefit of the law of adverse possession, but with the connivance of respondent No. 5 the State-authorities are compelling the petitioners to hand over the possession of the land to respondent No. 5.

4. Learned Standing Counsel appearing on behalf of the State has raised a preliminary objection regarding the maintainability of the writ petition being a private dispute between the petitioners and the private-respondents No. 5.

5. Considering the facts and circumstances of the case, this Court is of the view that since the dispute in respect of the property in question is already pending before the learned Board of Revenue in case bearing No. REV/2235/2023/Sonbhadra, computerized

case No. R20231666002235 (Nand Lal vs. Arun Kumar and Company through its manager Dev Krishna), it would be appropriate not to interfere in the matter at this stage under the writ jurisdiction.

6. Taking into consideration the aforesaid facts, this Court is of the view that no useful purpose would be served to keep the writ petition pending and it would be appropriate that the writ petition be disposed of with the liberty to the petitioners to move an appropriate application in the aforesaid pending revision, narrating all the facts in detail before the learned Board of Revenue. The learned Board of Revenue shall after taking into consideration the facts of the case, may pass appropriate orders on merit, strictly in accordance with law, as expeditiously as possible, preferably on the next date fixed in the revision or within a maximum period of six weeks thereafter.

7. The writ petition is accordingly **disposed of**.

Order Date :- 2.12.2023

Sumaira