

Court No. - 51

Case :- WRIT - C No. - 41980 of 2023

Petitioner :- Chhote Lal Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Bhola Nath Yadav, Abhishek Kumar Yadav, Amit Singh

Counsel for Respondent :- C.S.C., Azad Rai

Hon'ble Chandra Kumar Rai, J.

1. Heard Ms. Moni Gupta, Advocate holding brief of Mr. Bhola Nath Yadav, learned counsel for the petitioner, Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents and Mr. Azad Rai, learned counsel for respondent- Goan Sabha.

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

"i. to issue a writ, order or direction in the nature of mandamus commanding the respondent no.2- Up-Ziladhihari, Phoolpur, District- Prayagraj to get the pillars fixed in pursuance of the order dated 30.6.2017 passed by Up-Ziladhihari, Phoolpur, District- Prayagraj in Case No.T201802030203082 (Chote Lal Singh vs. Ram Sukh and Others), under Section 24 of U.P. Revenue Code, 2006 within period stipulated by this Hon'ble Court.

ii. to issue a writ, order or direction in the nature of mandamus commanding the respondent no.2- Up-Ziladhihari, Phoolpur, District- Prayagraj to consider and decide the Application dated 3.11.2023 moved by the petitioner for getting the pillars fixed in pursuance of the order passed in the case bearing Case No.3082 of 2018 aforesaid."

3. Learned counsel appearing on behalf of the petitioner submitted that the order under Section 41 of U.P. Land Revenue Act, 1901 was passed on 30.6.2017. She further submitted that the order was implemented on spot but later on the pillars fixed on spot has been uprooted by the private respondents, hence petitioner filed an application dated 6.7.2023 before the Sub-Divisional Officer, Phoolpur, Prayagraj, which is still pending. She further submitted that the appropriate direction be issued for the expeditious disposal of the pending application dated 6.7.2023.

4. Mr. Abhinav Ojha, learned Standing Counsel for the State-respondents submitted that the petitioner should initiate proper proceedings under Section 22/23 of U.P. Revenue Code, 2006 with respect to the prayer made in the application dated 6.7.2023.

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 an order for demarcation has been passed on 13.11.2017. There is also no dispute about the fact that the petitioner has filed an application dated 6.7.2023 for re-fixation of boundary to the marks in pursuance of the earlier order dated 13.11.2017.

7. Considering the entire facts and circumstances, the instant writ petition is finally disposed of directing respondent no.2 i.e. Sub-Divisional Magistrate, Phoolpur, District- Prayagraj to decide the petitioner's application dated 6.7.2023 treating the same under Section 22/23 of U.P. Revenue Code, 2006 in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy of this order before respondent no.2.

Order Date :- 6.12.2023

Rameez