

Court No. - 47

Case :- WRIT - C No. - 42569 of 2023

Petitioner :- Subodh Kumar And 5 Others

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

Counsel for Petitioner :- Chetan Chatterjee

Counsel for Respondent :- CSC,Kaushal Kishore Mani

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following relief:

"a. Issue a writ order or direction in the nature of certiorari quashing the order dated 28.08.2023 passed by the Sub Divisional Officer, Khatauli, Muzaffarnagar (Respondent No. 3) purportedly passed under Section 80 of Uttar Pradesh Land Revenue Code, 2006 passed on application of respondent nos. 5 and 6 in Case No. RSP/5292/2022 and Computer Case No. T202209550605292 (Annexure No. 2 to the writ petition).

b. Issue a writ order or direction in the nature of certiorari quashing the order dated 19.10.2023 passed by the Assistant Commissioner (Administration) Saharanpur Division, Saharanpur (respondent no. 3) passed in case no. 1029 of 2023, Computer Case No. C202309000001029 titled Subodh Kumar and others vs. Smt. Darshan and others (Annexure No. 1 to the writ petition)."

3. By means of the present writ petition, the petitioner has challenged the order dated 28.08.2023 passed by S.D.M. Khatauli, District Muzaffarnagar by which the order passed under Section 80 have been recalled and the applications made by the Co-tenure holders on the ground that the consent shown along with the application by means of the affidavit are forged as they have never signed or engaged any other counsel.

4. Considering the objections of the restoration applicant, the restoration application has been allowed and it has been directed that they may file their objections under Section 80.

5. Learned counsel for the petitioner contended that the order passed is without jurisdiction as the Revenue Inspector report has not been called which is the required under Section 80 of U.P. Revenue Code, 2006.

6. I have gone through Section 82 of the Act, there is no such requirement. In case anybody is aggrieved, can always file an application.

7. Since, there are serious disputed questions of facts, I am not inclined to interfere in the matter.

8. Accordingly, the writ petition is dismissed.

Order Date :- 8.12.2023

Ved Prakash

(Manish Kumar Nigam, J.)