

Court No. - 21

Case :- WRIT - C No. - 4679 of 2023

Petitioner :- Green Care Agrovat Lko. Thru. Its Proprietor And Another

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Revenue Civil Secrett. Lko. And 6 Others

Counsel for Petitioner :- Atul Tripathi, Utkarsh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak, J.

Instant writ petition is arising out of proceedings under Section 24 of the U.P. Revenue Code, 2006.

Learned Standing Counsel has raised preliminary objection with respect to maintainability of the instant writ petition on the ground that order passed by Sub Divisional Officer in proceedings under Section 24 of the U.P. Revenue Code is appealable under Section 24 (4) of U.P. Revenue Code, 2006.

In this conspectus, as above, instant writ petition is **dismissed** on the ground of availability of the remedy of appeal under Section 24 (4) of U.P. Revenue code, 2006.

Before parting, learned counsel for petitioners has prayed to issue a direction to the appellate authority to decide the appeal within the stipulated period, in case the same is filed within a period of two weeks from today and to protect the interest of the petitioners as well.

Having considered the submissions advanced by learned counsel for the parties, in peculiar facts and circumstances of the present case, it is provided that the appeal, in case preferred on behalf of the petitioners within 15 days from today, shall be decided strictly in accordance with law.

So far as the interim protection is concerned, petitioners are at liberty to move a stay application before the appellate court which shall be decided by him within a period of one month from the date of filing of the stay application along with memo of appeal.

For a period of 45 days or till the decision of the stay application, whichever is earlier, parties are directed to maintain status- quo with respect to the nature and possession over the property in question.

Order Date :- 31.5.2023

-Amit K-