

**Court No. - 6**

**Case :-** WRIT - C No. - 26107 of 2019

**Petitioner :-** Shabana Yasmin

**Respondent :-** Board Of Revenue U.P. Lko Thru Its Chairman  
And Ors.

**Counsel for Petitioner :-** Shaquiel Ahmad, Vinod Kumar  
Tripathi

**Counsel for Respondent :-** C.S.C, Shiv Pal Singh

**Hon'ble Rajnish Kumar, J.**

Heard Shri Vinod Kumar Tripathi, learned counsel for the petitioner and Shri Shiv pal Singh, learned counsel for the respondent nos.4 to 6. Learned Standing Counsel is present for the respondent nos.1 to 3.

This petition has been filed challenging the order dated 30.04.2019 passed in Revision No.896 of 2019.

Learned counsel for the petitioner submits that the impugned order was passed without hearing the petitioner, whereas the petitioner had already lodged a caveat on 25.03.2019 but the notice of the revision was not served on the petitioner and no opportunity of hearing was afforded to the petitioner before passing the impugned order by means of which the operation of the order dated 18.02.2019 and 27.09.2017 has been stayed, which could not have been done, therefore the impugned order is not sustainable in the eyes of law.

Learned counsel for the respondent nos.4 to 6 does not dispute the contention as argued by the learned counsel for the petitioner and submits that on account of interim order granted by this Court, the proceedings of revision are held up and the matter may be remanded to the respondent no.1 i.e. Board of Revenue to decide the revision.

In view of above, the impugned order dated 30.04.2019 is hereby quashed and the respondent no.1/ Board of Revenue is directed to pass a fresh order after affording opportunity to the parties in accordance with law.

With the aforesaid, this petition is **partly allowed**. No order as to costs.

**(Rajnish Kumar, J.)**

**Order Date :-** 7.12.2023 / Haseen U.