

Court No. - 3

Case :- WRIT - C No. - 6549 of 2023

Petitioner :- Mohd. Rizwan Ahmad And Others

Respondent :- The State Of U.P. Thru. Addl. Chief Secy,
Revenue Deptt. Govt. Of U.P. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Atiya Abid, Safiya Abid

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the parties and perused the record.

Petitioners have approached this Court claiming that the petitioner is owner of Gata No.864 Minjumla area 0.379 Hectare situated at Village - Mawai Kalan, Pargana - Bihar, Tahsil- Kunda, District - Pratapgarh and on the same gata respondents have constructed a water-tank. It is also stated that the proceedings under Section 32 readwith Section 38 of U.P. Revenue Code 2006 are initiated by the petitioner, which are pending before the Court of Sub-Divisional Magistrate, Kunda, Pratapgarh - Respondent No.3.

Learned counsel for the petitioners states that now water-tank has been completed and, therefore either the land having area 0.379 Hectare bifurcated or demarcated and provided to the petitioners separately and in case such land is not available, compensation for the same may be provided to them.

Learned Standing counsel has no objection to the said extent.

In view thereof, the petitioners are permitted to move a representation before Respondent No.2 District Magistrate, Pratapgarh within a period of two weeks alongwith copy of this order. The District Magistrate, Pratapgarh shall ensure that proceedings under Section 32 readwith 38 of the U.P. Revenue Code, 2006 are concluded by the Sub-Divisional Magistrate concerned within a period of two months and thereafter in case land is available, the same shall be demarcated and provided as aforesaid to the petitioners or in the alternative the petitioner

shall be duly compensated as per the market value for the land of the petitioners which is used for the purpose of water-tank. The said exercise of compensation, if required, shall be completed within a period of two weeks from the date of order of the Sub-Divisional Magistrate concerned.

It goes without saying that proceedings under Section 32 readwith Section 38 of U.P Revenue Code, 2006 would be concluded in accordance with law and shall also look into the entitlement of petitioner for the same. It is further clarified that this court has not gone into the merits of the case.

The writ petition is **disposed of**.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 12.10.2023

S. Kumar