

Court No. - 18

Case :- WRIT - B No. - 768 of 2023

Petitioner :- Devendra Mohan Tripathi @ Devendra Mohan

Respondent :- Deputy Director Of Consolidation, Bahraich And 6 Others

Counsel for Petitioner :- Ajey Singh

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

Hon'ble Saurabh Lavania, J.

1. Heard learned counsels for the parties.
2. By means of the present petition, the petitioner has sought the following main relief:

"(I) Issue a writ, order or direction in the nature of Certiorari thereby quashing of the impugned order dated 31.07.2023, passed by opposite party No. 1 i.e. Deputy Director of Consolidation, Bahraich in Revision No. 577/202354081500000352, Under Section-48 of U.P. C.H. Act, Village-Payagpur, Pargana-Bahraich, Tahsil-Payagpur, District- Bahraich (Shiv Mohan Versus Gaon Sabha and others), as contained in Annexure No. 1 to this writ petition, in the interest of justice.

(II) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties not to disturb the peaceful possession of the petitioner over the land in question, during pendency of the present writ petition, in the interest of justice."

3. By the impugned order dated 31.07.2023 passed in Revision No. 577/202354081500000352 (Shiv Mohan Versus Gaon Sabha and others), the opposite party no. 1/Deputy Director of Consolidation, Bahraich has directed the parties to maintain status quo.
4. With regard to the impugned order, the petitioner has already preferred an application for stay vacation and Shri Ajey Singh, learned counsel for the petitioner stated that the revision is fixed for 23.10.2023.
5. Taking note of the fact that application for stay vacation with regard

to impugned order dated 31.07.2023 has already been preferred, this Court is not inclined to entertain the present petition.

6. Accordingly, the petition is **disposed of** with the liberty to the petitioner to press the application for stay vacation before opposite party no.1/Deputy Director of Consolidation, Bahraich, who shall consider the same and pass appropriate order, as per law, within a period of two months from the next date i.e. 23.10.2023.

7. To decide the aforesaid application, it is open for the opposite party no. 1 to proceed on day to day basis.

Order Date :- 11.10.2023
Mohit Singh/-

(Saurabh Lavania,J.)