

Court No. - 18

Case :- WRIT - C No. - 8299 of 2023

Petitioner :- Rajesh Tiwari @ Rajesh Kumar Tripathi

Respondent :- State Of U.P. Thru. Prin. Secy., Deptt. Of Revenue, Lucknow And 2 Others

Counsel for Petitioner :- Anand Prakash Pandey, Dr. Surya Prakash Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh, J.

1. Heard Shri Anand Prakash Pandey, learned counsel for the petitioner, Shri Rakesh Kumar Singh, learned counsel for private respondents and Shri Neel Dhar Padma Dhar, learned Additional Chief Standing Counsel for the State.

2. The instant petition has been filed with the following prayer:-

"(i) Issue a writ, order or direction in the nature of Certiorari thereby to quash the impugned order dated 14.06.2023 passed by opposite party no. 2 i.e. Tehsildar, Tehsil-Alapur, District-Ambedkar Nagar in Case No. 1015/2012-13 (Computerized Case No. T20120444491) U/s 34 U.P. Land Revenue Act, 1901 (Sabhapati Vs. Ramraji) (contained at Annexure No. 1 to this writ petition)."

3. Vide order dated 27.09.2023, the District Magistrate, Ambedkar Nagar was directed to file personal affidavit as this Court prima facie found that the conduct of the officer was not as per law.

4. In compliance of the aforesaid order, the personal affidavit is filed on 12.10.2023, wherein it transpires that the matter was enquired by the Sub Divisional Officer, Alapur and report was sent addressing the District Collector, Ambedkar Nagar while mentioning the fact that prima facie the Presiding Officer did not follow the judicial proceedings, thereafter, an enquiry

committee was constituted vide order dated 10.10.2023 and the committee was directed to submit report within period of one week.

5. Learned Additional Chief Standing Counsel has no instruction with respect to the report in pursuant to the order dated 10.10.2023.

6. It has been pointed out by the counsel appearing for the State that the order dated 14.06.2023 has been recalled and the notices have been issued to the parties concerned.

7. The Additional Chief Standing Counsel appearing in the matter has placed the instruction dated 06.10.2023, which is taken on record.

8. Considering the aforesaid facts and circumstances, the instant petition is hereby **disposed of** with a direction to the Tehsildar concerned to decide the case no.3994 of 2023 within period of three months from the date of this order, while affording opportunity of hearing to all the parties concerned, if there is no any legal impediment and the authorities are further directed, not to give unnecessary adjournment to the parties.

9. The District Magistrate, Ambedkar Nagar is also directed to submit the report through Senior Registrar of this Court regarding the final outcome of the enquiry proceeding initiated vide order dated 10.10.2023, within further period of ten days.

Order Date :- 13.12.2023

Mohd. Sharif