

Court No. - 18

Case :- WRIT - C No. - 8853 of 2023

Petitioner :- Sohan Lal

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

Counsel for Petitioner :- Satish Kumar Sharma

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the petitioner, Shri Hemant Kumar Pandey, learned Standing Counsel for State and Shri Mohan, Singh, learned counsel for Gram Sabha.

By means of this petition, the petitioner has sought following main reliefs:

"(i) issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned order dated 24.07.2023 passed by District Magistrate, Barabanki in Revision No. 97/2022 (Computerized Case No. D202204120000097) Sohanlal Vs. Tehsildar Nawabganj & others, under Section 122-B(4A) of the Uttar Pradesh Zamindari Abolition & Land Reforms Act, 1950 and order dated 16.12.2014 passed by Tehsildar, Nawabganj, District Barabanki in Case No. 15287/2014 (Computerized Case No. T201404120115287/2014) Gaon Sabha Vs. Sohan Lal, under Section 122- B(4A) of the Uttar Pradesh Zamindari Abolition Act, 1950, contained as Annexure No. & 3 to this writ petition.

(ii) issue a writ, order or direction in the nature of Mandamus commanding the opposite party No. 2 to 5 not to interfere into the peaceful possession of the petitioner during the pendency of present writ petition before this Hon'ble Court in the interest of justice."

After considering the findings recorded by the authorities concerned in the impugned orders, when this Court confronted learned counsel for the petitioner as to how the order(s) are bad in law and what illegality has been committed by the authorities, learned counsel for the petitioner, after arguing at length, based upon the period of possession and construction situated over the Gata No. 685 stated that the benefit of Section 67A of U.P. Revenue Code, 2006 (in short "Code, 2006") can be extended to the petitioner and as such, the liberty may be granted to the petitioner to approach the authority concerned to seek benefit of Section 67A of Code, 2006 and the petitioner who is a senior citizen aged about 63 years be allowed to prefer an application under Section 67A of Code, 2006 within two weeks from today and if such an application is moved, the authority concerned shall decide the same, as per law. It is a festival season, as such protection be provided to the petitioner else authorities would evict the petitioner from the property, in issue.

Considering the facts and circumstances of the case, this petition is **disposed of** with the liberty to the petitioner to move an application under Section 67A of Code, 2006 within two weeks from today and if such an application is moved as per law, the authority concerned shall consider and decide the same within three months, as per law.

As an interim protection, it is provided that the petitioner shall not be evicted from the property, in issue, for a period of four months from today.

In case, the petitioner fails to prefer an application in the time specified as also that he fails to appear on the date(s) fixed in the case, the protection provided by this Court shall not be available to the petitioner.

Order Date :- 12.10.2023/Mohit Singh/-