

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5225 of 2023

Petitioner :- Sunil Kumar Yadav

Respondent :- Apar Upziladhikari (Sadar), Lko. And 4 Others

Counsel for Petitioner :- Shailendra Singh, Surendra Singh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

The present petition has been filed for the following main relief:-

"i. An Order or Direction directing the Opposite Party No. 1 to expeditiously decide the Case no.- 4086/2017 (Suresh Vs. State of U.P. and others), under section 38(2) U.P. Revenue Code, 2006 within a time frame which may be fixed by this Hon'ble Court."

At the very outset, Sri Arvind Kumar Singh, learned State Counsel stated that it appears from the record that petitioner is son of late Changalal and also that petitioner is not a party in the case in issue i.e. *Case no.- 4086/2017 (Suresh Vs. State of U.P. and others), under section 38(2) U.P. Revenue Code, 2006* (in short 'Code of 2006') and it is also not clear from that record that as the petitioner has been impleaded in the case in issue. As such the present petition is not maintainable.

In response learned Counsel for the petitioner says that late Changalal the father of the petitioner was impleaded as opposite party no.2. However this fact is not clear from the copy of the application annexed as Annexure No. 1 to the present petition as the same is not legible copy and on being pointed out the same as also that as to whether petitioner has been substituted in place of Changalal, learned Counsel for the petitioner stated that he may be permitted to withdraw the present petition with liberty to file a fresh with proper pleadings and documents in support thereof.

To the aforesaid prayer, learned Standing Counsel has no objection.

Accordingly, the present petition is ***dismissed*** with liberty as aforesaid.

Office is directed to return back all the certified copies of order and documents, annexed in the present petition, to the learned Counsel for the petitioner, if he applies for the and submit the copies of same.

Order Date :- 13.10.2023

Jyoti/-