

Court No. - 3

Case :- WRIT - C No. - 9137 of 2023

Petitioner :- Dr. Kashmir Singh And Another

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

Counsel for Petitioner :- Aseem Goswami, Anand Mani Tripathi, Manish Singh

Counsel for Respondent :- C.S.C., Ratnesh Chandra, Shishir Jain

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Mr. A.M. Tripathi, learned Advocate assisted by Mr. Aseem Goswami, Advocate as well as learned Additional Chief Standing Counsel for opposite party No. 1, 2, 5 and 6, Mr. Shishir Jain, learned counsel for opposite party No.4 and Sri Shobhit Mohan Shukla, learned counsel for opposite party no.3 who has filed vakalatnama which is taken on record.
3. Learned counsel for petitioner submits that opposite parties have acquired the land measuring 2-12-5 of the land situated in khasra No.315-M. The compensation for the said acquisition has been paid and there is no dispute to that portion of the land. However now the respondent No.3 and 4 are interfering with peaceful possession and occupation of the petitioners in the remaining part of the land at khasra No. 315-M. One Hasan Ali has preferred an application under Section 30 of U.P. Revenue Code, 2006 which is registered as Case No.493/2015-16. As per paragraph-17 of writ petition, both the petitioners, being co-tenure holders had sought their impleadment and they have been impleaded vide order dated 09.03.2021 (annexure no.7 to the writ petition). The next date in the case is 17.10.2023, i.e.,

today. The said application was filed in the year 2016 however no effective proceedings have been held. Mr. Shobhit Mohan Shukla, learned counsel for opposite party No.3 submits that in fact the proceedings under Section 32/38 of U.P. Revenue Code has also been initiated and registered as Case No.74/T2017/10 (4639057007) and the case is fixed for 25.10.2023. It is submitted that the opposite parties are not raising any constructions on the land measuring 2bigha, 12 biswa and 5 biswansi in khasra No. 315-M.

4. We have considered the submissions.

5. In the circumstances of the case, it would be appropriate that both the cases are decided with expedition. So as to put the controversy at rest, the competent court is, therefore, directed to club the two cases and decide the same within a period of two months today from today. All the parties, including those who are not before this Court are directed to co-operate in disposal of the cases. The competent court shall notify this order to the parties before it forthwith.

6. Till the disposal of the proceedings under section 30 as well as 32/38 of U.P. Revenue Code, or for a period of two months whichever is earlier, the opposite parties shall not raise any constructions in the land khasra No. 315-M.

7. With the aforesaid, the writ petition is **disposed of.**

Order Date :- 17.10.2023

Arti/-

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