

Court No. - 18

Case :- WRIT - C No. - 9353 of 2023

Petitioner :- Dinanath And 5 Others

Respondent :- Addl. Commissioner (Judicial), Ayodhya Division, Ayodhya And 10 Others

Counsel for Petitioner :- Arun Kumar Pandey, I.M. Pandey Ist

Counsel for Respondent :- C.S.C., Mohan Singh, Pramod Kumar Pandey

Hon'ble Shree Prakash Singh, J.

1. Notices to the private respondents are hereby dispensed with.
2. Heard Sri Arun Kumar Pandey, learned counsel for the petitioners, Sri Hemant Pandey, learned Standing counsel for the State.
3. By means of the instant petition, the petitioners have assailed the orders dated 19.08.2023, 13.09.2022 and 29.11.2020 passed by opposite party nos. 1, 2 and 3 respectively.
4. The contention of learned counsel for the petitioners is that a lease was allotted in favour of father of the petitioners and all of sudden in the year 1995, the same was cancelled vide order dated 30.06.1995 without affording opportunity of hearing to the petitioners. He further added that the order dated 30.06.1995 was not in the knowledge of the petitioners and once the fresh lease was granted in favour of private respondents, the petitioners could know about the aforesaid order and thereafter, the order was assailed by way of moving a revision bearing no. 2211 of 2023, which is still pending consideration. He further argued that once the fresh lease was allotted, the petitioners assailed the said order, which was dismissed and thereafter, an appeal was instituted and the same was also dismissed thereafter, a revision was filed and ultimately vide order dated

19.08.2023 that was dismissed too, while upholding the orders passed by the court below. He next added that the lease which was granted way back in favour of father of the petitioners, has been cancelled and due opportunity of hearing was not given. He further added that the reasons which have been mentioned in the order dated 30.06.1995 are non-est.

5. Further submission is that the opposite party nos. 1, 2 and 3, without considering the contention as well as the legal proposition, has passed the impugned orders and thus, those are unsustainable and liable to be set aside.

6. Learned counsel for the State has opposed the contentions aforesaid and submits that the lease was granted in favour of the lease holders for agricultural purpose though, that cannot be as per the report and record annexed at page 45 and 46 of the writ petition. He also added that the order dated 13.06.1995 has rightly been passed. He next added that the persons in favour of whom lease has been granted, have erected their houses over the land in question.

7. Considering the submissions of learned counsel for the parties and after perusal of material placed on record, it transpires that the lease which was granted in favour of the father of the petitioners, has been cancelled vide the order dated 30.06.1995. The contention of the petitioners is that without affording opportunity of hearing the same was passed though, the fact remains that the order dated 30.06.1995 has been challenged by way of moving a revision, which is still pending consideration before the revisional authority.

8. In view of the aforesaid submissions and discussions, the instant petition is hereby **disposed of**, while granting liberty to the petitioners to approach the revisional authority, whereby

agitating all the grounds available to them and if the petitioners approach the revisional court and cooperate the proceedings, the revisional court shall decide the revision bearing no. 2211 of 2023, within a period of six months, from the date of this order produced before it, in accordance with law, if there is no other legal impediment.

Order Date :- 14.12.2023

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