

Court No. - 3

Case :- WRIT - C No. - 9312 of 2023

Petitioner :- Jamuna And 2 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy, Prin. Secy. Revenue Civil Sectt. Lko. And 8 Others

Counsel for Petitioner :- Vinod Kumar Shukla, Anagh Shukla

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel and Sri Dilip Kumar Pandey, learned counsel for the respondent/Gaon Sabha.

2. Petitioners have approached this Court challenging the orders dated 03.08.2023 passed by the respondent no.2/Special Secretary (Appointment), Civil Secretariat, Lucknow and the order dated 05.08.2023 passed by the respondent no.6/Additional District Magistrate (Administration), Lucknow as well as the inquiry report dated 10.01.2023 and the amended inquiry report dated 12.06.2023 submitted by the inquiry committee constituted under the Chairmanship of Commissioner, Lucknow Division, Lucknow (Annexure nos. 3 & 4, to the writ petition).

3. Case of petitioners is that they were allotted *Pattas* between the years 1984 to 1986, however the inquiry committee under the Chairmanship of the Commissioner, Lucknow Division in its inquiry report and the amended inquiry report found that the said *Pattas* were fraudulently obtained/entered into the revenue records. It appears that on the basis of the same actions are initiated against the petitioners and the impugned orders are passed.

4. Learned counsel for the petitioners submits that neither the petitioners were permitted to participate in the said inquiry held under the Chairmanship of the Commissioner, Lucknow Division nor thereafter they were ever provided the copies of the documents to dispute the same on the basis of which the said inquiry report was submitted.

5. Learned counsel for petitioner further submits that grievance of petitioners will be sufficient met in case the petitioners are permitted to file objections against the said inquiry report

before the appropriate authority which ought to be senior to the Commissioner, Lucknow Division, Lucknow.

6. Learned Additional Chief Standing Counsel from the record could not show that till now any opportunity of hearing is given to the petitioners to dispute the impugned inquiry report and the additional inquiry report. He also could not show from the record that even the committee under the Chairmanship of Commissioner, Lucknow Division, Lucknow gave any opportunity of hearing to the petitioners.

7. In view of the aforesaid, it is provided that an inquiry committee comprising the Chairman, Board of Revenue along with an Officer senior to the Commissioner, Lucknow Division, Lucknow, be constituted which shall provide an opportunity of hearing to the petitioners. The Inquiry Committee under the Chairmanship of Chairman Board of Revenue, shall issue a proper show cause notice to the petitioners on the basis of the said inquiry report submitted by the Commissioner, Lucknow Division, Lucknow. The Inquiry Committee shall also provide the documents relied upon against the petitioners, to the petitioners and will also provide adequate opportunity of hearing in accordance with law and pass appropriate final order upon the report submitted by the committee constituted under the Chairmanship of Commissioner, Lucknow Division, Lucknow. The said exercise is expected to be completed within a period of three months from today. The petitioners shall fully cooperate in the said proceedings and they shall not seek any unnecessary adjournment.

8. Any action taken against the petitioners shall be subject to final orders passed by the said inquiry committee under the Chairmanship of Chairman, Board of Revenue.

9. With the aforesaid directions, the writ petition stands **disposed of**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 11.12.2023

Arjun/-