

Court No. - 18

Case :- WRIT - C No. - 9558 of 2023

Petitioner :- Munshi Ali And Another

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

Counsel for Petitioner :- Sanjai Srivastava, Arvind Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

1. Heard.

2. Present petition has been filed with the following main reliefs:

"i. A writ order or direction in the nature of certiorari thereby quashing the order dated 09.10.2023 passed by opposite party no.3 and order dated 27.08.2012 passed by opposite party no.2 in case no. 3413 which was subsequently changed to 3424 of 2018 in the proceedings under section-34 of L.R. Act as contained in Annexure No.1 & 2 to this writ petition.

ii. A writ order or direction in the nature of mandamus commanding the opposite parties not to disturb the peaceful possession over the land in question."

3. Taking note of the statutory remedy available to the petitioners, on being confronted, learned counsel for the petitioners says that the present petition be disposed of finally with liberty to the petitioners to avail the remedy provided under the statute and in the facts and circumstances of the case particularly that the crop is standing over the land, in issue, some observation may also be made regarding providing interim protection.

4. Considering the aforesaid, the present petition is finally **disposed of** with the liberty to the petitioners to avail the statutory remedy available under the law assailing the order dated 09.10.2023 as also the order dated 27.08.2012.

5. In case, the appropriate remedy is availed by the petitioners within a period of eight weeks from today along with an application for interim relief/interim protection, the authorities concerned shall consider the application as per law expeditiously after taking note of the facts and circumstances of the case as also the relevant provision under the law including the Para 489 of U.P. Revenue Court Manual which provides the power to pass ad-interim ex-parte order.

Order Date :- 1.11.2023/Mohit Singh/-