

Court No. - 17

Case :- WRIT - C No. - 9696 of 2023

Petitioner :- Daya Ram And 14 Others

Respondent :- Commissioner Devi Patan Mandal Gonda And Another

Counsel for Petitioner :- Pankaj Kumar Singh, Vaibhav Chauhan

Counsel for Respondent :- C.S.C., Amitesh Pratap Singh

Hon'ble Alok Mathur, J.

1. Heard Sri Pankaj Kumar Singh, learned counsel for petitioners as well as learned Standing Counsel for respondent No. 1 and Sri Amitesh Pratap Singh, learned counsel for respondent No. 2.

2. It has been submitted by learned counsel for petitioners that petitioners were granted patta under Section 27 of U.P. Imposition of Ceiling on Land Holding Act on the land of respondent No. 2 which has been declared surplus under the Act of 1960.

3. Respondent No. 2 had challenged the order of prescribed authority before the Commissioner under Section 13 of the Act of 1960 and the said appeal was allowed on 31.05.2008 and the order of the prescribed authority declaring his land to be surplus was set aside. In the meanwhile as the petitioner had been granted patta over the said land proceedings for eviction under Section 27(4) of the Act of 1960 was initiated by the competent authority and the orders for eviction were passed. It is in the aforesaid circumstances that the respondent No. 2 had approached this Court by filing a writ petition being Writ C No. 4293 of 2023 for a direction to the authority to comply with the appellate order and also to evict the persons who had been granted pattas over the surplus land of the petitioners.

4. The writ petition being Writ C No. 4293 of 2023 was decided on 12.07.2023 with a direction to the Commissioner, Devi Patan Mandal, Gonda to decide the appeal preferred by the petitioners against his order of eviction expeditiously. It is under the direction of this court dated 12.07.2023 that the Commissioner had decided the appeal preferred by the petitioners by means of impugned order dated 09.10.2023.

5. I have heard learned counsel for parties and perused the

record.

6. In the appeal, it has been clearly recorded that once the original tenure holder has succeeded in his appeal, the land declared surplus has to be reverted back to the original tenure holder and any pattas granted by the State in the meanwhile deserves to be set aside. The right of the petitioners accrue only on the ground of patta and once the patta is cancelled their rights stand extinguished. I do not find any infirmity in the appellate order.

7. Learned counsel for petitioners at this stage submits that sugarcane has been planted on the said land and sometime may be granted till the crop is cut and sent to the sugarcane mills and they undertake to voluntarily vacate the said land once the crop is cut.

9. Learned counsel for respondents do not object to the prayer made by petitioners.

10. In light of the above and with the consent of the parties, the writ petition is disposed of with a direction to the respondents not to forcibly evict the petitioners in the next three months and on the expiry of three months, the petitioners shall vacate the said land and in case they fail to do so the appropriate proceedings for eviction shall be initiated in accordance with law.

11. In light of the above, the writ petition stands disposed of.

(Alok Mathur, J.)

Order Date :- 6.11.2023

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