

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5637 of 2023

Petitioner :- Nurul Hasan And Another

Respondent :- Addl. Commissioner (Administration), Lucknow Division, Lucknow And Others

Counsel for Petitioner :- Vivek Kumar Verma, Pawan Kumar Maurya

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of the order proposed, issuance of notice to private opposite party is hereby dispensed with.

The present petition has been filed for the following main reliefs:-

"(i) Issue an order or direction to the respondent no. 1 i.e. Additional Commissioner (Administration) Lucknow Division, Lucknow to dispose of stay application dated 18.10.2023, filed by the petitioners in the appeal no.2391/2023, computerized case no.C2310000002391, Nurul Hasan & another Versus Shrawan Kumar Verma & others, which is pending with him, within the stipulated time period as fixed by this Hon'ble Court.

(ii) Stay the operation of the judgment and order dated 29.11.2022, passed by the Sub Divisional Officer/Assistant Collector (First Class), Sadar, Lucknow in case no.21996/2022, computerized case no T202210460221996, under section-24 of the U.P. Revenue Code 2006, Shrawan Kumar Vs. Ram Shanker & others, contained as Annexure No.5 to this petition and also direct the parties to maintain the status quo until the disposal of the present misc. petition as well as stay application dated 19.10.2023, pending before the respondent no. 1, otherwise the petitioners would suffer the irreparable loss and injury."

Considering the main reliefs sought in the present petition and the facts that challenging the order dated 29.11.2022 passed by Sub Divisional Magistrate, Sadar, Lucknow in Case No. 2996/2022 Computerized Case No.T202210460221996 (Shrawan Kumar Versus Ram Shanker and others), which was instituted under Section 24(4) of U.P. Revenue Code 2006 (in short 'Code of 2006'), the petitioner preferred an appeal before respondent no.1/ Additional Commissioner (Administration), Lucknow Division, Lucknow and the said appeal was admitted vide order dated 13.10.2023 and now the appeal is pending as Appeal No. 202310000002391 and the revenue official are adamant to carry out the direction contained in the order under appeal dated 29.11.2022 and taking note of the same, the petitioner preferred an application seeking interim protection on 19.10.2023, however, till date no interim protection has been granted and now the matter is fixed before the respondent no.1, today itself, this Court directs the respondent no.1 to consider and dispose of the application seeking interim protection, within a period of three weeks from today, after affording proper opportunity to the parties concerned.

For the period of three weeks as aforesaid, revenue authority shall not carry out the directions contained in the order under appeal dated

29.11.2022 and this interim protection granted to the petitioner would be available, if the petitioner would appear on each date fixed in the case.

It is made clear that this Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

Order Date :- 3.11.2023

Jyoti/-