

Court No. - 6

Case :- WRIT - C No. - 9949 of 2023

Petitioner :- Nakchhed Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue U.P.
Civil Sectt. Lko. And 3 Others

Counsel for Petitioner :- Mahesh Kumar Sharma, Gaurav Singh

Counsel for Respondent :- C.S.C., Vinay Shankar

Hon'ble Rajnish Kumar, J.

Heard Sri Mahesh Kumar Sharma learned counsel for the petitioner and Sri Upendra Singh learned Additional Chief Standing counsel.

This Court had passed following order on 09.11.2023:-

"Heard Sri Anil K. Tripathi, Advocate holding brief of Sri Gaurav Singh, learned counsel for the petitioner, learned Standing Counsel for the State and Sri Vinay Shankar, learned counsel for the respondent-Bank.

Learned counsel for the respondent-Bank raised a preliminary objection that this second petition suffers from material concealment of facts because the petitioner had earlier filed Writ C No.6081 of 2022(Nakchhed Singh versus State of U.P. and others) with identical prayers, which was disposed of by means of the order dated 07.09.2022 providing the installments, which has not been disclosed in this petition. A copy of the order dated 07.09.2022 passed in Writ C No.6081 of 2022(Nakchhed Singh versus State of U.P. and others) has been produced before this Court.

Learned counsel for the petitioner prays for time to seek instructions.

List on 16.11.2023 as fresh. "

Learned counsel for the petitioner, on the basis of instructions, does not dispute filing of the earlier Writ C No.6081 of 2022(Nakchhed Singh versus State of U.P. and others) and passing of the order dated 07.09.2022 and prays for withdrawal of the writ petition with liberty to move application in the said petition. However, there is concealment of fact, which has been admitted only after being pointed out by the respondents, therefore, it can be permitted only with cost on the petitioner.

The petition is **dismissed** as withdrawn with the aforesaid liberty with a cost of Rs.5,000/-, which shall be deposited with the Senior Registrar of this Court within two weeks from today,

failing which, the same shall be recovered by Senior Registrar of this Court from the petitioner as arrears of land revenue forthwith.

(Rajnish Kumar,J.)

Order Date :- 16.11.2023

Harshita