

Court No. - 18

Case :- WRIT - C No. - 10003 of 2023

Petitioner :- Suresh Chandra

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

Counsel for Petitioner :- Shailesh Kumar Shukla, Vinod Kumar

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Shree Prakash Singh, J.

1. Heard Sri Vinod Kumar, learned counsel for the petitioner, Sri Hemant Pandey, learned standing counsel for the State and perused the record.

2. By means of the present petition, the petitioner has assailed the order dated 12.07.2023 passed in revision no. 617 of 2023, computerized case no. C-20230800000617, Sarash Chandra Versus Suresh Chandra, under section 210 U.P. Revenue Code, 2006 and has further assailed the order dated 11.08.2023 passed by opposite party no. 3 in case no. 779 of 2023, computerized Case No. T202308150400779.

3. The contention of learned counsel for the petitioner is that a suit under section 116 of the Revenue Code, 2006 was filed before the Sub-Divisional Officer, Bahraich, wherein, the Sub-Divisional Officer passed the order on 24.01.2023, directing the parties to maintain Status-Quo over the land in question. He added that the opposite party nos. 5 and 6 assailed the order before the Revisional Court and the revisional court passed the order on 12.07.2023, directing the court below to decide the application dated 23.01.2023, hearing both the parties. He submits that the aforesaid revision was filed beyond the limitation, without the application for condonation of delay. He further submits that there is no finding with respect to interim

order passed by the Sub-Divisional Officer, therefore, submission is that the order dated 12.07.2023 is erroneous and the same may be set aside.

4. Learned counsel for the State submits that the Sub-Divisional Officer passed the order in the column of the application moved by the petitioner which has been deprecated by the Board of Revenue, U.P., time and again, by issuing circulars and the revisional court has rightly passed the order in consonance with the same while opening it to the court below to decide the application of the petitioner dated 23.01.2023 in accordance with law and therefore, there is no ambiguity or erroneousness in the same.

5. Learned counsel for the Gaon Sabha has also supported the version of the counsel for the State.

6. Having heard learned counsel for the parties and after perusal of material placed on record, it transpires that a suit was filed under section 116 of Code, 2006 wherein, the Sub-Divisional Officer passed the order in the left side column of the application, directing the parties to maintain status-quo, whereas the circulars of the Board of Revenue deprecates such practice.

7. This Court also noticed that the revisional court has opened to the Sub-Divisional Officer to decide the matter in accordance with law after giving opportunity to parties concerned and thereafter, the Sub-Divisional Officer has also passed the order and accorded opportunity to the parties to file objections.

8. In this view of the matter, there seems to be no erroneous in the order passed by the revisional court as well as the Sub-Divisional Officer, therefore, this Court find no merit in the

instant petition.

9. Therefore this petition is **disposed of** while giving liberty to the petitioner to press the suit dated 23.01.2023 before the Sub-Divisional Officer concerned.

10. It is also directed that Sub-Divisional Officer shall decide the aforesaid matter within a period of six months, subject to cooperation of the petitioner.

11. The observation made herein above would have no bearing on the merit of the matter pending before court below.

Order Date :- 22.11.2023
Mayank