

Court No. - 3

Case :- WRIT - C No. - 10110 of 2023

Petitioner :- Ram Naresh

Respondent :- State Of U.P. Thru. Prin.Secy. Deptt. Of Revenue Lko And 4 Others

Counsel for Petitioner :- Lalji Yadav, Vishnu Prakash

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for petitioner and learned Standing Counsel for the State.
2. Petitioner has approached this Court for a mandamus commanding and directing the opposite party no.2 to 4 to ensure the compliance of order dated 01.07.2023 passed by Sub-Divisional Officer, Kunda, Pratapgarh as well as Supurdaginama dated 9.9.2023.
3. We have perused the record of the case with assistance of learned counsel for petitioner as well as learned Standing Counsel. The order dated 01.07.2023 passed by Sub-Divisional Officer, Kunda, Pratapgarh is only directing for correction of record. There is no lying in the said order providing that the land or crop thereupon should be given in custody of any person whomsoever. Without such direction being given, Naib Tehsildar, without any authority has prepared Supurdaginama dated 9.9.2023 giving right to cut the crop and sell the same to petitioner.
4. Learned counsel for petitioner could not show any provision or law under which the Naib Tehsildar could prepare a Supurdaginama without any direction from an appropriate Court/authority.
5. In the present case, the Supurdaginama does not refer to any order of appropriate Court/authority, therefore, the Supurdaginama dated 9.9.2023 is without jurisdiction and cannot be given effect to.
6. In view thereof, the petition is ***dismissed***.

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[Om Prakash Shukla, J.] [Vivek Chaudhary, J.]

Order Date :- 17.11.2023/-Amit K-